STATE OF NEW YORK

7777--A

2025-2026 Regular Sessions

IN SENATE

May 6, 2025

Introduced by Sens. HARCKHAM, ADDABBO, BASKIN, BYNOE, CLEARE, COMRIE, GONZALEZ, ROLISON, C. RYAN, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and education law, in relation to school potable water testing, and standards and requirements to install filtered water stations and faucets

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

Section 1. Subdivision 2 of section 1110 of the public health law, as amended by chapter 130 of the laws of 2022, is amended to read as follows:

2. Where a finding of lead contamination is made, the affected school district shall: (a) [~~continue first-drawn tap water testing pursuant to regulations promulgated pursuant to this section~~] **within sixty days of the date on which a finding of lead contamination is made, install filtered bottle-filling stations or filtered faucets, as the case may be, pursuant to section eleven of the public health law**; (b) **continue first-drawn tap water testing pursuant to regulations promulgated pursuant to this section; (c)** 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 **filtered bottle-filling stations or filtered faucets, as the case may be, have been installed pursuant to subparagraph (a) of this paragraph and** future tests indicate lead levels pursuant to regulations promulgated pursuant to this section; and [~~(c)~~] **(d)** 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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§ 2. The public health law is amended by adding a new section 1111 to read as follows:

§ 1111. School water management plans. 1. As used in this section, the following terms shall have the following meanings:

(a) "Drinking fountain" shall mean 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) "Filtered bottle-filling station" or "station" shall mean an apparatus that meets each of the following criteria:

(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) the flow rate through the station 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.

(c) "Filtered faucet" shall mean 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.

(d) "Plan" shall mean a drinking water management plan pursuant to subdivision three of this section.

(e) "School district" shall mean, 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, board of cooperative educational services, charter school, and religious or independent school located in New York State that provides pre-kindergarten, elementary and/or secondary education and such education is intended to fulfill the compulsory education requirements of article sixty-five of the education law for the students that attend such school.

2. No later than one year after this act shall have become law, each school district shall submit to the department a drinking water management plan in a format to be determined by the commissioner and make such plan available to school staff, parents, guardians, and/or persons in parental relation to a child attending said school, and the general public upon request.

3. The plan shall include, at a minimum, the following information for each building under a school district's jurisdiction:

(a) the specific location of each water outlet using one of the following categories:

(i) a water outlet that will be maintained to deliver water for human consumption, whether as drinking water, as a component of a food or beverage, or for cooking purposes, using one of the following categories:

(A) the location where a filtered bottle-filling station will be maintained. The plan must provide for the 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.

(B) the location where a filtered faucet will be maintained. Filtered faucets may be maintained 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, preschool classrooms, and teachers' lounges.

(ii) a water outlet that will be maintained for purposes other than as described in subparagraph (i) of this paragraph;

(iii) a water outlet that will be shut off or rendered permanently inoperable; and

(b) a schedule identifying when the regular replacement of the filter cartridge for each filtered bottle-filling station and filtered faucet will occur in compliance with the manufacturer's instructions or recommendations of the department.

4. Prior to the beginning of the two thousand twenty-seven--two thousand twenty-eight school year, each school district, for each building under its jurisdiction, shall have completed the following:

(a) installed all filtered bottle-filling stations and filtered faucets as indicated in the plan and not already in existence;

(b) shut off or render permanently inoperable any water outlet providing water for human consumption that is not a filtered bottle-filling station or filtered faucet; and

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

5. Each school district shall replace the filter cartridge for each filtered bottle-filling station and filtered faucet according to the filter replacement schedules established pursuant to this section.

6. Each school district shall review, update, and submit the plan to the department at least once every five years and make changes as directed by the department or as needed to comply with this section.

7. Prior to the beginning of the two thousand twenty-seven--two thousand twenty-eight school year and annually thereafter, each school district shall submit to the department documentation, on a form and in a manner prescribed by the commissioner, that certifies that the school district, for each building under its jurisdiction, has complied with the requirements of this section.

8. Beginning on the one hundred eightieth day after the effective date of this section, no school district shall replace an existing water outlet or newly install a water outlet that is maintained to deliver water for human consumption, whether as drinking water, as a component of a food or beverage, or for cooking purposes unless the water outlet is a filtered bottle-filling station or filtered faucet as defined under subdivision one of this section.

9. On or before, but no later than, the one hundred eightieth day after the effective date of this section, the department shall:

(a) provide a model template for the plan;

(b) make available training and guidance materials for schools regarding activities relevant to compliance with this section. Such training and guidance materials shall include the following:

(i) factors that a school should consider when selecting filtered bottle-filling stations, filtered faucets, and filter cartridges;

(ii) approved methods to shut off or render permanently inoperable a water outlet pursuant to subdivision three of this section;

(iii) instructions on how to properly flush a building's cold-water plumbing before installing filtered bottle-filling stations and filtered faucets; and

(iv) common filtered bottle-filling station or filtered faucet installation and operation errors, and how to avoid them.

10. Expenses incurred under this section for the acquisition, installation, and maintenance of filtered bottle-filling stations, filtered

faucets, replacement filter cartridges, and any regulations promulgated thereto shall be fully reimbursable from funds appropriated through the department of environmental conservation for clean water infrastructure projects.

§ 3. Subparagraph 1 of paragraph b of subdivision 6 of section 3602 of the education law, as amended by section 3 of chapter 130 of the laws of 2022, is amended to read as follows:

(1) The apportionment for school building purposes to any district shall be determined by adding the amount of its current year approved expenditures for lease or other annual payments under the provisions of section four hundred three-b, subdivision eight of section twenty-five hundred three, or subdivision six of section twenty-five hundred fifty-four of this chapter, other than payments under a lease-purchase agreement or an equivalent agreement, plus the amount of its current year approved expenditures under an assumed amortization for capital outlays for school building purposes from its general fund, capital fund or from a reserve fund to the amount of its current year approved expenditures for debt service for such purposes and multiplying the sum by its aid ratio. Expenditures made for computer equipment, including original purchase and installation of hardware, conduit, wiring, and powering of hardware installations in computer classrooms, or for building or campuswide local area network systems and in-building elements of other wide area networks, including the original purchase and installation of conduit, wiring, and powering of hardware installations, may be included in approved expenditures for building aid pursuant to this paragraph on the approval of the commissioner regardless of any minimum cost requirement that may be applied to other approved expenditures pursuant to this section. Such equipment expenses claimed for aid under this subdivision shall not be claimed for aid under any other provisions of this chapter. Provided further that any lead remediation expense required pursuant to section eleven hundred ten of the public health law **and any school water management plan expense required pursuant to section eleven hundred eleven of the public health law**, where such expense is reimbursable from another state or federal source, shall not be an approved expenditure for purposes of this subdivision.

§ 4. This act shall take effect immediately.