

STATE OF NEW YORK

8499

2025-2026 Regular Sessions

IN SENATE

September 5, 2025

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law and the state finance law, in relation to enacting the Legionnaires' disease prevention act

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Legionnaires' disease prevention act".

3 § 2. Article 21 of the public health law is amended by adding a new
4 title 9 to read as follows:

TITLE IX

LEGIONNAIRES' DISEASE

7 Section 2186. Public water system water treatment, monitoring
8 and management.

9 2186-a. Water user notification of public water system
10 disruptions.

11 2186-b. Legionnaires' disease case investigation and registry.

12 2186-c. Legionnaires' disease reporting and public water system
13 sampling.

14 2186-d. Building water management plans.

15 2186-e. Annual report.

16 2186-f. Public awareness campaign.

17 2186-g. Disposition of fines.

18 § 2186. Public water system water treatment, monitoring and manage-
19 ment. 1. Notwithstanding any other provision of law, or rule or regu-
20 lation to the contrary, and no later than one hundred twenty days after
21 the effective date of this section, the owner or operator of a public
22 water system shall:

23 (a) maintain a detectable disinfectant residual of free chlorine of at
24 least 0.5 milligrams per liter in all active parts of the public water
25 system at all times; systems that use monochloramine shall maintain a

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

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1 detectable disinfectant residual of at least one milligram per liter in
2 all active parts of the public water system at all times; and

3 (b) conduct disinfectant residual testing at frequent and regular
4 intervals to determine the amount and type of detectable disinfectant
5 residual existing at different points in the public water system.

6 2. (a) If the owner or operator of the public water system fails to
7 meet the minimum detectable disinfectant residual targets established
8 pursuant to paragraph (a) of subdivision one of this section, the
9 department of environmental conservation shall investigate such
10 violation or, at its discretion, authorize a third-party entity to
11 conduct the investigation. The department of environmental conservation
12 is authorized to impose fines on the owner or operator of a public water
13 system for violations of this section and for failure to comply with the
14 requirements of this article.

15 (b) The department of environmental conservation shall develop proce-
16 dures and guidelines regarding the investigation of an owner or operator
17 of a public water system conducted pursuant to paragraph (a) of this
18 subdivision, including, but not limited, to:

19 (i) the definition of what constitutes a repeated failure to meet the
20 minimum detectable disinfectant residual targets;

21 (ii) the requirements for reporting violations of the minimum detect-
22 able disinfectant residual targets;

23 (iii) when to initiate an initial investigation of violations of mini-
24 mum detectable disinfectant residual targets and subsequent investi-
25 gations;

26 (iv) the establishment of penalties for a violation of minimum detect-
27 able disinfectant residual targets, if such department determines that a
28 violation has occurred;

29 (v) the development of a notice to inform water consumers if a public
30 water system fails to maintain the minimum detectable disinfectant resi-
31 dual targets established pursuant to paragraph (a) of subdivision one of
32 this section; and

33 (vi) the criteria used by the department to select appropriate third-
34 party entities to conduct investigations of additional violations of
35 minimum detectable disinfectant residual targets.

36 3. (a) No later than one year after the effective date of this
37 section, the department of environmental conservation, in consultation
38 with the department of health, shall adopt rules and regulations pursu-
39 ant to the state administrative procedure act, to:

40 (i) require additional disinfectant requirements or testing require-
41 ments of public water systems if deemed necessary;

42 (ii) to increase the minimum detectable disinfectant residual to mini-
43 mize the growth and transmission of legionella bacteria;

44 (iii) require nitrification action plans for public water systems that
45 utilize monochloramine to reduce stagnation and dead legs; and

46 (iv) establish requirements for the monitoring of public water systems
47 for legionella and adequate treatment during:

48 (1) construction activities;

49 (2) a change in the water treatment process;

50 (3) any planned or unplanned event that reduces water delivery pres-
51 sure below twenty pounds per square inch;

52 (4) a lead service line replacement;

53 (5) a new construction tie-in;

54 (6) a source water change;

55 (7) water treatment plant maintenance or changes;

56 (8) changes in directional water flow;

1 (9) flooding;
2 (10) replacement of valves, hydrants, or meters;
3 (11) pumping failures;
4 (12) pipeline or water main breaks;
5 (13) system repairs; or
6 (14) emergency conditions or other disruptions as determined by the
7 department that may impact the public water system.

8 (b) The department of environmental conservation shall not reduce the
9 minimum detectable disinfectant residual targets established pursuant to
10 paragraph (a) of subdivision one of this section.

11 4. The department of environmental conservation shall submit an annual
12 report to the governor and to the legislature beginning two years after
13 the effective date of this section with its recommendations as to wheth-
14 er the minimum detectable disinfectant residual targets established
15 pursuant to paragraph (a) of subdivision one of this section should be
16 increased to minimize the growth and transmission of legionella bacte-
17 ria.

18 § 2186-a. Water user notification of public water system disruptions.

19 1. The owner or operator of a public water system shall provide a time-
20 ly written notice, in a form and manner as determined by the department
21 of environmental conservation pursuant to subdivision three of this
22 section, to all residential, commercial, and institutional customers and
23 residents served by the public water system and located in an affected
24 area of disruptions in the water distribution system that could result
25 in increased levels of legionella bacteria being present in the public
26 water system. The content of such notice shall be developed in consulta-
27 tion with the department and shall include, but are not limited to:

28 (a) notification that planned construction, maintenance, repair, or
29 replacement of a part of the system may affect legionella bacteria in
30 the water distribution system and temporarily increase the level of
31 legionella bacteria in the public water system;

32 (b) the estimated length of time that the level of legionella bacteria
33 may remain elevated, as determined by the department;

34 (c) general information on the possible sources of legionella bacteria
35 in the public water system, and the health effects of Legionnaires'
36 disease and related illnesses to at-risk populations; and

37 (d) measures consumers can take to reduce or eliminate exposure to
38 legionella bacteria, including, but not limited to, ensuring hot water
39 heaters are working properly with regular flushing and maintaining a
40 temperature of at least one hundred thirty degrees Fahrenheit at the
41 water heater outlet, flushing water lines, including the hot water heat-
42 er drain and external hose connections during and after completion of
43 construction work, removing and cleaning faucet aerator screens and
44 showerheads, and installing a water filter or water treatment device
45 certified to remove legionella bacteria.

46 2. No later than one hundred twenty days after the effective date of
47 this section, the department of environmental conservation, in consulta-
48 tion with the department and the division of consumer protection, shall
49 publish a public notice in the state register and on its Internet
50 website specifying the form and manner of the notice required pursuant
51 to subdivision one of this section and the specific information to be
52 included in the notice.

53 3. (a) The owner or operator of a public water system shall provide a
54 written record of a disruption in the water distribution system to the
55 department of environmental conservation within twenty-four hours of the
56 occurrence of the disruption in the water distribution system. As used

1 in this act, "disruption in the water distribution system" means any
2 disruption to normal water transmission, including, but not limited to:

3 (i) a change in the water treatment process, including temporary
4 changes from a chloramine residual to a free chlorine residual or vice
5 versa;

6 (ii) any planned or unplanned event that reduces water delivery pres-
7 sure below twenty pounds per square inch;

8 (iii) a lead service line replacement;

9 (iv) a new construction tie-in;

10 (v) a source water change;

11 (vi) water treatment plant maintenance or changes;

12 (vii) changes in directional water flow;

13 (viii) flooding;

14 (ix) replacement of valves, hydrants, or meters;

15 (x) pumping failures;

16 (xi) pipeline or water main breaks;

17 (xii) system repairs; or

18 (xiii) emergency conditions.

19 (b) The department of environmental conservation shall establish on
20 its Internet website a publicly accessible database of the records of a
21 disruption in the water distribution system received by the department
22 pursuant to paragraph (a) of this subdivision.

23 § 2186-b. Legionnaires' disease case investigation and registry. 1.
24 For every reported diagnosis of Legionnaires' disease, the department
25 shall:

26 (a) conduct a comprehensive investigation into the reported case;

27 (b) advise the individual diagnosed with Legionnaires' disease about
28 the availability of testing by the department of the fixtures and
29 water-using equipment in the individual's residence, locations frequent-
30 ly visited, and places of employment in the fourteen days immediately
31 prior to the individual's diagnosis; and

32 (c) in a manner consistent with the consent provided by the individual
33 diagnosed with Legionnaires' disease or the owner of the property,
34 sample and test the fixtures and water-using equipment for the presence
35 of legionella bacteria, each test shall be conducted by a laboratory
36 certified for this purpose by the department.

37 2. The department shall develop procedures and guidelines regarding
38 the investigation of every reported diagnosis of Legionnaires' disease
39 pursuant to paragraph (a) of subdivision one of this section, including,
40 but not limited to:

41 (a) documentation of any disruption in the water distribution system
42 serving the primary residence or water exposure points frequented by an
43 infected individual in the fourteen days preceding infection, that may
44 have caused the release of legionella bacteria into the home or other
45 water exposure point frequented by the infected individual during that
46 period;

47 (b) investigation of potential sources of exposure to legionella
48 bacteria from fixtures, water-using equipment, or features at the indi-
49 vidual's residence including water exposures external to the residence
50 such as irrigation, hoses, or water-based equipment and devices; and

51 (c) investigation of potential sources of exposure to legionella
52 bacteria from other identified water exposure points such as visits to
53 buildings, water features, car washes, irrigation systems, exposure to
54 pressure washing, car windshield fluids, public fountains or toilets, or
55 other aspects of daily travel and activities.

1 3. The department may delegate its responsibilities and duties pursu-
2 ant to this section as deemed appropriate for administering the testing
3 and investigatory provisions of this section to a local health officer
4 having jurisdiction over the locality in which a patient diagnosed with
5 Legionnaires' disease lives, frequently visits, or is employed.

6 4. The department shall establish on its Internet website a registry
7 accessible to the public of de-identified data related to each case of
8 Legionnaires' disease reported to the department. As used in this subdivi-
9 vision, "de-identified data" means information that does not identify an
10 individual and for which there is no reasonable basis to believe that
11 the information can be used to identify an individual, and which meets
12 the requirements for de-identification of protected health information
13 under the Health Insurance Portability and Accountability Act of 1996,
14 and any regulations adopted pursuant thereto by the secretary of the
15 United States department of health and human services. The department
16 shall make every effort to provide information on the approximate
17 location of a case of Legionnaires' disease to the nearest city block or
18 general neighborhood description while ensuring the protection of an
19 individual's privacy.

20 § 2186-c. Legionnaires' disease reporting and public water system
21 sampling. 1. For every reported diagnosis of Legionnaires' disease, the
22 department shall immediately provide notification to the department of
23 environmental conservation of the diagnosis. This notification shall
24 include addresses where the individual diagnosed with Legionnaires'
25 disease resided, frequently visited, or was employed in the month imme-
26 diately prior to the individual's diagnosis.

27 2. Upon receipt of notification from the department pursuant to subdivi-
28 vision one of this section, the department of environmental conservation
29 shall sample and test or order the sampling and testing of the public
30 water system for the presence of legionella bacteria, at all locations
31 identified by the department. Each test shall be conducted by a labora-
32 tory certified for this purpose by the department, and in accordance
33 with the sampling and testing methods established and provided by the
34 department.

35 3. The department of environmental conservation shall conduct or
36 require the owner or operator of the applicable public water system to
37 conduct further testing to confirm the presence of legionella bacteria
38 in any source in which the bacteria is detected through initial testing
39 pursuant to this subdivision, as it determines to be necessary.

40 § 2186-d. Building water management plans. 1. No later than one year
41 after the effective date of this section, the owner or operator of a
42 building that meets the criteria set forth in the American Society of
43 Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Standard
44 188-2021, Legionellosis: Risk Management for Building Water Systems,
45 shall implement a water management program to minimize the growth and
46 transmission of legionella bacteria in the building's water system,
47 consistent with ASHRAE Standard 188-2021 and ASHRAE Guideline 12-2023,
48 Managing the Risk of Legionellosis Associated with Building Water
49 Systems.

50 2. The owner or operator of a facility or building required to imple-
51 ment a water management program pursuant to this section shall make the
52 water management program available upon request to an employee of the
53 department, the department of environmental conservation or any other
54 department or agency with license or inspection authority for the facil-
55 ity or building.

1 3. The department, the department of environmental conservation or any
2 other department or agency with license or inspection authority for the
3 facility or building is authorized to impose fines on an owner or opera-
4 tor of a building that meets the criteria in ASHRAE Standard 188-2018
5 for violations of this section consistent with existing fine structures,
6 provided the owner or operator of a building is provided with due proc-
7 ess and fair hearing rights.

8 § 2186-e. Annual report. No later than one year after the effective
9 date of this act and annually thereafter, the department, in consulta-
10 tion with the department of environmental conservation and the division
11 of consumer protection shall submit a report to the governor, and to the
12 legislature, which shall include:

13 1. the number of cases of Legionnaire's disease in the state reported
14 in each of the previous ten years;

15 2. the number and type of violations for which penalties were assessed
16 under this article; and

17 3. recommendations for legislative action as may be necessary to
18 further control legionella bacteria and other waterborne pathogens in
19 the public water supply and affected buildings.

20 § 2186-f. Public awareness campaign. No later than eighteen months
21 after the effective date of this section, the department shall develop a
22 public awareness campaign and targeted consumer education program to
23 educate consumers, especially vulnerable, susceptible populations, on
24 the environmental sources of legionella bacteria, the movement of
25 legionella bacteria through water distribution systems, the notification
26 requirements of this article and how the requirements impact consumers,
27 the methods to control legionella bacteria in a person's home, the signs
28 and symptoms and available treatment. The public awareness campaign and
29 education program shall include, but not be limited to, information on
30 the relationship between the risks of the proliferation of legionella
31 bacteria and water temperature and the temperature requirements for
32 medical devices, expansion tanks, hot tubs, whirlpools, spas, pools, air
33 conditioning, ornamental fountains, or other equipment or device that
34 releases water aerosols in a person's home or on the person's property
35 and the related risks associated with the inhalation or aspiration of
36 water droplets containing legionella bacteria.

37 § 2186-g. Disposition of fines. All fines collected as the result of
38 violations of this article shall be deposited into the Legionnaires'
39 disease prevention fund established pursuant to section ninety-nine-~~tt~~
40 of the state finance law and used to support the public awareness
41 campaign developed pursuant to section twenty-one hundred eighty-six-f
42 of this article.

43 § 3. The state finance law is amended by adding a new section 99-~~tt~~ to
44 read as follows:

45 § 99-~~tt~~. Legionnaires' disease prevention fund. 1. There is hereby
46 established in the joint custody of the comptroller, the commissioner of
47 taxation and finance, and the commissioner of health, a fund, to be
48 known as the "Legionnaires' disease prevention fund".

49 2. Such fund shall consist of moneys required to be deposited thereto
50 pursuant to title nine of article twenty-one of the public health law
51 and all other moneys appropriated, credited, or transferred thereto from
52 any other fund or source pursuant to law. Nothing contained in this
53 section shall prevent the state from receiving grants, gifts or bequests
54 for the purposes of the fund as defined in this section and depositing
55 them into the fund according to law.

- 1 3. Moneys of the fund shall be made available to the department of
- 2 health to support the public awareness campaign developed pursuant to
- 3 section twenty-one hundred eighty-six-f of the public health law.
- 4 § 4. This act shall take effect immediately.