STATE OF NEW YORK

8499--A

2025-2026 Regular Sessions

IN SENATE

September 5, 2025

Introduced by Sens. CLEARE, BRISPORT, FERNANDEZ, GONZALEZ, JACKSON, PERSAUD, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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 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:

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

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

TITLE IX

LEGIONNAIRES' DISEASE

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

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

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

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

2186-d. Building water management plans.

2186-e. Annual report.

2186-f. Disposition of fines.

§ 2186. Public water system water treatment, monitoring and management. 1. Notwithstanding any other provision of law, or rule or regulation to the contrary, and no later than one year after the effective date of this section, the owner or operator of a public water system shall:

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

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

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

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

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

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

(ii) the requirements for reporting violations of the minimum detectable disinfectant residual targets;

(iii) when to initiate an initial investigation of violations of minimum detectable disinfectant residual targets and subsequent investigations;

(iv) the establishment of penalties for a violation of minimum detectable disinfectant residual targets, if such department determines that a violation has occurred;

(v) the development of a notice to inform water consumers if a public water system fails to maintain the minimum detectable disinfectant residual targets established pursuant to paragraph (a) of subdivision one of this section; and

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

3. (a) No later than eighteen months after the effective date of this section, the department of environmental conservation, in consultation with the department, shall adopt rules and regulations pursuant to the state administrative procedure act, to:

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

(ii) to increase the minimum detectable disinfectant residual to minimize the growth and transmission of legionella bacteria;

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

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

(1) construction activities;

(2) a change in the water treatment process;

(3) any planned or unplanned event that reduces water delivery pressure below twenty pounds per square inch;

(4) a lead service line replacement;

(5) a new construction tie-in;

(6) a source water change;
(7) water treatment plant maintenance or changes;
(8) changes in directional water flow;
(9) flooding;
(10) replacement of valves, hydrants, or meters;
(11) pumping failures;
(12) pipeline or water main breaks;
(13) system repairs; or
(14) emergency conditions or other disruptions as determined by the department that may impact the public water system.

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

4. The department of environmental conservation shall submit an annual report to the governor and to the legislature beginning three years after the effective date of this section with its recommendations as to whether the minimum detectable disinfectant residual targets established pursuant to paragraph (a) of subdivision one of this section should be increased to minimize the growth and transmission of legionella bacteria.

§ 2186-a. Water user notification of public water system disruptions. 1. The owner or operator of a public water system shall provide a timely written notice, in a form and manner as determined by the department of environmental conservation pursuant to subdivision three of this section, to all residential, commercial, and institutional customers and residents served by the public water system and located in an affected area of disruptions in the water distribution system that could result in increased levels of legionella bacteria being present in the public water system. The content of such notice shall be developed in consultation with the department and shall include, but are not limited to:

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

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

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

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

2. No later than one year after the effective date of this section, the department of environmental conservation, in consultation with the department and the division of consumer protection, shall publish a public notice in the state register and on its Internet website specifying the form and manner of the notice required pursuant to subdivision one of this section and the specific information to be included in the notice.

3. (a) The owner or operator of a public water system shall provide a written record of a disruption in the water distribution system to the department of environmental conservation within twenty-four hours of the occurrence of the disruption in the water distribution system. As used in this act, "disruption in the water distribution system" means any disruption to normal water transmission, including, but not limited to:

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

(ii) any planned or unplanned event that reduces water delivery pressure below twenty pounds per square inch;

(iii) a lead service line replacement;

(iv) a new construction tie-in;

(v) a source water change;

(vi) water treatment plant maintenance or changes;

(vii) changes in directional water flow;

(viii) flooding;

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

(x) pumping failures;

(xi) pipeline or water main breaks;

(xii) system repairs; or

(xiii) emergency conditions.

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

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

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

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

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

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

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

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

(c) investigation of potential sources of exposure to legionella bacteria from other identified water exposure points such as visits to

buildings, water features, car washes, irrigation systems, exposure to pressure washing, car windshield fluids, public fountains or toilets, or other aspects of daily travel and activities; and

(d) all sampling and testing carried out pursuant to this section shall include, but not be limited to, testing for the presence of legionella pneumophila, and shall be conducted in a manner consistent with rules, regulations, and best practices developed by the department.

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

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

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

2. Upon receipt of notification from the department pursuant to subdivision one of this section, the department of environmental conservation shall sample and test or order the sampling and testing of the public water system for the presence of legionella bacteria, at all locations identified by the department. Each test shall be conducted by a laboratory certified for this purpose by the department, and in accordance with the sampling and testing methods established and provided by the department. All sampling and testing carried out pursuant to this subdivision shall include, but not be limited to, testing for the presence of legionella pneumophila, and shall be conducted in a manner consistent with rules, regulations, and best practices developed by the department.

3. The department of environmental conservation shall conduct or require the owner or operator of the applicable public water system to conduct further testing to confirm the presence of legionella bacteria in any source in which the bacteria is detected through initial testing pursuant to this subdivision, as it determines to be necessary. All sampling and testing carried out pursuant to this subdivision shall include, but not be limited to, testing for the presence of legionella pneumophila, and shall be conducted in a manner consistent with rules, regulations, and best practices developed by the department.

§ 2186-d. Building water management plans. 1. No later than eighteen months after the effective date of this section, the owner or operator

of a building that meets the criteria set forth in the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Standard 188-2021, Legionellosis: Risk Management for Building Water Systems, shall implement a water management program to minimize the growth and transmission of legionella bacteria in the building's water system, consistent with ASHRAE Standard 188-2021 and ASHRAE Guideline 12-2023, Managing the Risk of Legionellosis Associated with Building Water Systems.

2. The owner or operator of a facility or building required to implement a water management program pursuant to this section shall make the water management program available upon request to an employee of the department, the department of environmental conservation or any other department or agency with license or inspection authority for the facility or building.

3. The department, the department of environmental conservation or any other department or agency with license or inspection authority for the facility or building is authorized to impose fines on an owner or operator of a building that meets the criteria in ASHRAE Standard 188-2021 for violations of this section consistent with existing fine structures, provided the owner or operator of a building is provided with due process and fair hearing rights.

§ 2186-e. Annual report. No later than two years after the effective date of this act and annually thereafter, the department, in consultation with the department of environmental conservation and the division of consumer protection shall submit a report to the governor, and to the legislature, which shall include:

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

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

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

§ 2186-f. Disposition of fines. All fines collected as the result of violations of this article shall be deposited into the Legionnaires' disease prevention fund established pursuant to section ninety-nine-uu of the state finance law to support state implementation of this title.

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

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

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

§ 4. This act shall take effect immediately.