

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:

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

5
6 Section 2186. Public water system water treatment, monitoring
7 and management.

8 2186-a. Water user notification of public water system
9 disruptions.

10 2186-b. Legionnaires' disease case investigation and registry.

11 2186-c. Legionnaires' disease reporting and public water system
12 sampling.

13 2186-d. Building water management plans.

14 2186-e. Annual report.

15 2186-f. Disposition of fines.

16
17 § 2186. Public water system water treatment, monitoring and manage-
18 ment. 1. Notwithstanding any other provision of law, or rule or regu-
19 lation to the contrary, and no later than one year after the effective
20 date of this section, the owner or operator of a public water system
21 shall:

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

LBD13673-02-6

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

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

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

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

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

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

26 (iii) when to initiate an initial investigation of violations of mini-
27 imum detectable disinfectant residual targets and subsequent investi-
28 gations;

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

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

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

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

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

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

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

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

51 (1) construction activities;

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

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

55 (4) a lead service line replacement;

56 (5) a new construction tie-in;

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

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

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

21 § 2186-a. Water user notification of public water system disruptions.

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

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

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

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

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

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

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

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

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

12 (iii) a lead service line replacement;

13 (iv) a new construction tie-in;

14 (v) a source water change;

15 (vi) water treatment plant maintenance or changes;

16 (vii) changes in directional water flow;

17 (viii) flooding;

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

19 (x) pumping failures;

20 (xi) pipeline or water main breaks;

21 (xii) system repairs; or

22 (xiii) emergency conditions.

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

27 § 2186-b. Legionnaires' disease case investigation and registry. 1.
28 For every reported diagnosis of Legionnaires' disease, the department
29 shall:

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

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

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

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

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

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

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

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

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

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

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

27 § 2186-c. Legionnaires' disease reporting and public water system
28 sampling. 1. For every reported diagnosis of Legionnaires' disease, the
29 department shall immediately provide notification to the department of
30 environmental conservation of the diagnosis. This notification shall
31 include addresses where the individual diagnosed with Legionnaires'
32 disease resided, frequently visited, or was employed in the month imme-
33 diately prior to the individual's diagnosis.

34 2. Upon receipt of notification from the department pursuant to subdivi-
35 vision one of this section, the department of environmental conservation
36 shall sample and test or order the sampling and testing of the public
37 water system for the presence of legionella bacteria, at all locations
38 identified by the department. Each test shall be conducted by a labora-
39 tory certified for this purpose by the department, and in accordance
40 with the sampling and testing methods established and provided by the
41 department. All sampling and testing carried out pursuant to this
42 subdivision shall include, but not be limited to, testing for the pres-
43 ence of legionella pneumophila, and shall be conducted in a manner
44 consistent with rules, regulations, and best practices developed by the
45 department.

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

55 § 2186-d. Building water management plans. 1. No later than eighteen
56 months after the effective date of this section, the owner or operator

1 of a building that meets the criteria set forth in the American Society
2 of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Stan-
3 dard 188-2021, Legionellosis: Risk Management for Building Water
4 Systems, shall implement a water management program to minimize the
5 growth and transmission of legionella bacteria in the building's water
6 system, consistent with ASHRAE Standard 188-2021 and ASHRAE Guideline
7 12-2023, Managing the Risk of Legionellosis Associated with Building
8 Water Systems.

9 2. The owner or operator of a facility or building required to imple-
10 ment a water management program pursuant to this section shall make the
11 water management program available upon request to an employee of the
12 department, the department of environmental conservation or any other
13 department or agency with license or inspection authority for the facil-
14 ity or building.

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

22 § 2186-e. Annual report. No later than two years after the effective
23 date of this act and annually thereafter, the department, in consulta-
24 tion with the department of environmental conservation and the division
25 of consumer protection shall submit a report to the governor, and to the
26 legislature, which shall include:

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

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

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

34 § 2186-f. Disposition of fines. All fines collected as the result of
35 violations of this article shall be deposited into the Legionnaires'
36 disease prevention fund established pursuant to section ninety-nine-uu
37 of the state finance law to support state implementation of this title.

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

40 § 99-uu. Legionnaires' disease prevention fund. 1. There is hereby
41 established in the joint custody of the comptroller, the commissioner of
42 taxation and finance, and the commissioner of health, a fund, to be
43 known as the "Legionnaires' disease prevention fund".

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

51 § 4. This act shall take effect immediately.