ASSEMBLY, No. 4139

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2016

Sponsored by:
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SYNOPSIS
Requires health care facilities to test for and remediate lead in drinking water, and disclose test results.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning lead in drinking water at health care facilities
and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. The owner or operator of a health care facility shall
undertake periodic testing of each drinking water outlet in the
health care facility for the presence of lead. Each test for lead shall
be conducted by a laboratory certified for this purpose by the
Commissioner of Environmental Protection, in accordance with the
sampling and testing methods specified by the commissioner. The
initial tests for lead shall be conducted no later than 90 days after
the effective date of this act, and subsequent testing shall be
conducted every five years thereafter, unless the commissioner
determines, on a case-by-case basis, that a greater or lesser
frequency of testing is necessary or sufficient to ensure public
health.

b. If testing conducted pursuant to subsection a. of this section
reveals an elevated lead level at a drinking water outlet, the health
care facility shall immediately shut or close off access to that
drinking water outlet and take appropriate remedial measures to
ensure that patients, staff, and visitors to the health care facility are
not exposed to drinking water with an elevated lead level and have
access to clean and safe drinking water at the facility. Such
remedial measures may include, but need not be limited to:
permanently shutting or closing off access to the drinking water
outlet; providing an alternative source of water; manual or
automatic flushing of the drinking water outlet; installing and
maintaining a filter at the drinking water outlet; and repairing and
replacing the drinking water outlet, plumbing, or service line
contributing to the elevated lead level.

c. Each health care facility shall: (1) submit to the Department
of Environmental Protection and the Department of Health, as soon
as practicable, information on testing activities conducted pursuant
to subsection a. of this section, including, but not limited to, the
date the testing was completed, the location and type of each
drinking water outlet tested, the complete results of each test, and
any measures being taken pursuant to subsection b. of this section
to remediate a drinking water outlet found to have an elevated lead
level; (2) maintain copies of the information submitted pursuant to
this subsection in a suitable location for inspection by the public
and on the health care facility’s Internet website, if applicable; and
(3) post a summary of the test results and information on the
availability of the complete test results for public inspection in the
area of each major entrance and in each admitting room in the
health care facility.
d. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Department of Environmental Protection, in consultation with the Department of Health, may adopt, after notice, interim rules and regulations necessary to implement the provisions of this act, including, but not limited to, sampling and testing methods. The rules and regulations shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted, or readopted by the department in accordance with the provisions of the "Administrative Procedure Act."

e. As used in this section:

"Commissioner" means the Commissioner of Environmental Protection.

"Drinking water outlet" means any water fountain, faucet, or tap regularly used for drinking or food preparation, including ice-making and hot drink machines.

"Elevated lead level" means a lead concentration in drinking water that exceeds the standard thereafter established by the United States Environmental Protection Agency or the Department of Environmental Protection, whichever is more stringent.

"Health care facility" means the same as that term is defined in section 2 of P.L.1971, c.136 (C.26:2H-2).

2. This act shall take effect immediately.

STATEMENT

This bill would require health care facilities to test for and remediate lead in drinking water, and disclose the test results.

Specifically, under the bill, the owner or operator of a health care facility would be required to undertake periodic testing of each drinking water outlet in the facility for the presence of lead. Each test for lead would be conducted by a laboratory certified for this purpose by the Commissioner of Environmental Protection, in accordance with the sampling and testing methods specified by the commissioner. The initial tests would be conducted no later than 90 days after the effective date of the bill, and subsequent testing would be conducted every five years thereafter, unless the commissioner determines, on a case-by-case basis, that a greater or lesser frequency of testing is necessary or sufficient.

Under the bill, if testing reveals an elevated lead level at a drinking water outlet, the health care facility would be required to immediately shut or close off access to that outlet and take appropriate remedial measures to ensure that patients, staff, and visitors to the health care facility are not exposed to drinking water.
with an elevated lead level and have access to clean and safe
drinking water at the facility. Each health care facility would be
required to submit to the Department of Environmental Protection
and the Department of Health information on its testing activities,
maintain copies of that information in a suitable location and on its
Internet website, if applicable, and post a summary of the test
results and information on the availability of the complete test
results in the area of each major entrance and in each admitting
room in the health care facility.