

ASSEMBLY, No. 1342

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 14 (Mercer and Middlesex)

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District 7 (Burlington)

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Assemblymen Wimberly, Mukherji, Johnson, Moriarty and DeAngelo

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning lead in drinking water at health care facilities
2 and supplementing Title 26 of the Revised Statutes.

3

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

6

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

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

33 c. Each health care facility shall: (1) submit to the Department
34 of Environmental Protection and the Department of Health, as soon
35 as practicable, information on testing activities conducted pursuant
36 to subsection a. of this section, including, but not limited to, the
37 date the testing was completed, the location and type of each
38 drinking water outlet tested, the complete results of each test, and
39 any measures being taken pursuant to subsection b. of this section
40 to remediate a drinking water outlet found to have an elevated lead
41 level; (2) maintain copies of the information submitted pursuant to
42 this subsection in a suitable location for inspection by the public
43 and on the health care facility's Internet website, if applicable; and
44 (3) post a summary of the test results and information on the
45 availability of the complete test results for public inspection, in the
46 area of each major entrance and in each admitting room in the
47 health care facility.

1 d. Notwithstanding the provisions of the “Administrative
2 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to the
3 contrary, the Department of Environmental Protection, in
4 consultation with the Department of Health, may adopt, after notice,
5 interim rules and regulations necessary to implement the provisions
6 of this act, including, but not limited to, sampling and testing
7 methods. The rules and regulations shall be effective as regulations
8 immediately upon filing with the Office of Administrative Law and
9 shall be effective for a period not to exceed 18 months, and may,
10 thereafter, be amended, adopted, or readopted by the department in
11 accordance with the provisions of the “Administrative Procedure
12 Act.”

13 e. As used in this section:

14 “Commissioner” means the Commissioner of Environmental
15 Protection.

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

19 “Elevated lead level” means a lead concentration in drinking
20 water that exceeds the standard therefor established by the United
21 States Environmental Protection Agency or the Department of
22 Environmental Protection, whichever is more stringent.

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

25
26 2. This act shall take effect immediately.
27
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29 STATEMENT

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

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

44 Under the bill, if testing reveals an elevated lead level at a
45 drinking water outlet, the health care facility would be required to
46 immediately shut or close off access to that outlet and take
47 appropriate remedial measures to ensure that patients, staff, and
48 visitors to the health care facility are not exposed to drinking water

1 with an elevated lead level and have access to clean and safe
2 drinking water at the facility. Each health care facility would be
3 required to submit to the Department of Environmental Protection
4 and the Department of Health information on its testing activities,
5 maintain copies of that information in a suitable location and on its
6 Internet website, if applicable, and post a summary of the test
7 results and information on the availability of the complete test
8 results in the area of each major entrance and in each admitting
9 room in the health care facility.