SUPPORTS

A.1118/S5744 (Paulin/Cleare)
AN ACT to amend the public health law, in relation to increasing monetary penalties for public health law violations and providing support for the nursing home quality improvement demonstration program

The New York State Association of County Health Officials (NYSACHO) supports the above-referenced legislation which would make equal and increase the ceiling for civil penalties that can be assessed by local boards of health and the State of New York for violations of the public health law and State Sanitary Code. The existing statutory penalty ceiling has not been increased in a decade. While the initial goal of public health is always education and voluntary compliance, public health penalties serve as a mechanism to assure that violations that threaten health and safety do not go unaddressed. Examples of the types of violations involved include:

- Food service establishment violations: *Bare hand contact with ready to eat foods, food preparation employees not washing hands, potentially hazardous foods not maintained at required temperatures, Cockroach and/or rodent infestations.*
- Public swimming pools violations: *Lack of adequate disinfection, inadequate lifeguard supervision or lifeguards not trained in CPR, inadequate or no safety plans*
- Drinking water, Sewage and Waste Violations: *Inadequate chlorine residual maintained in non-community water supply, sewage spillage from broken drain lines or malfunctioning septic systems*
- Housing violations*: Rental units with no second means of egress, no smoke detectors or carbon monoxide detectors, rental property with tenants with no utilities (gas, electric, water), failure to abate housing conditions causing exposure to lead.*

Public health statue sets a ceiling for civil penalties, which allows an incremental approach to achieving compliance, while still serving as a sufficient deterrent to egregious and ongoing violations that threaten the public health. Raising the ceiling for civil penalties also sends a message regarding the serious threat posed to communities and individuals by violations of public health law. Increasing the maximum to a consistent level state-wide will ensure that violators are subject to the same standard of penalties, regardless of whether enforcement actions are under state or local health department authority. In addition to promoting better compliance, penalties provide more efficient use of the staff resources needed to enforce the laws, thus promoting cost-effective use of taxpayer dollars.

NYSACHO strongly supports this legislation and urges the legislature to enact it to provide a consistent statewide standard, foster better compliance with the public health law and State Sanitary Code which serves to protect the health of all New Yorkers.

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