

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 909

Short Title: Legionnaires' Disease Prevention Act. (Public)

Sponsors: Representative Turner.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Environment, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 11, 2021

A BILL TO BE ENTITLED
AN ACT CONCERNING THE PREVENTION OF LEGIONNAIRES' DISEASE.
The General Assembly of North Carolina enacts:

PART I. TITLE OF ACT

SECTION 1.1. This act shall be known and may be cited as the "Legionnaires' Disease Prevention Act."

PART II. POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

SECTION 2.1.(a) Chapter 130A of the General Statutes is amended by adding a new Article to read:

"Article 10A.

"Legionnaires' Disease Prevention Act.

"§ 130A-331. Definitions.

The following definitions apply in this Article:

- (1) Covered building. – A building or facility that (i) meets the criteria described in the American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) Standard 188-2018 or (ii) is subject to regulation by the federal Centers for Medicare and Medicaid Services.
- (2) Department. – The Department of Health and Human Services.
- (3) Legionella culture. – The quantification of culturable Legionella pneumophila bacteria in a water sample.
- (4) Legionnaires' disease. – A pulmonary disease caused by the Legionella pneumophila bacterium.
- (5) Public water system. – As defined in G.S. 130A-313(10).

"§ 130A-331.3. Mandatory water management plan for minimizing growth and transmission of Legionella pneumophila in covered buildings.

(a) The Department shall instruct owners and operators of covered buildings that they are required to establish and operate a water management plan by October 1, 2022, that includes validation testing of water to minimize the growth and transmission of Legionella pneumophila in the covered building's water system consistent with the American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) Standard 188-2018. As part of the water management plan required by this section, owners and operators shall retain a copy of the



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sampling and management plan and sampling results for at least three years. Owners and operators shall provide to the Department a copy of their water management plan and sampling results. The Department shall issue a certificate of compliance to each owner or operator upon receipt of a water management plan and sampling results that comply with the provisions of this section.

(b) Owners and operators of covered buildings shall make the water management plan implemented pursuant to subsection (a) of this section available for inspection upon request to any department or agency with licensing or inspection authority over the covered building.

(c) In addition to the sampling and testing required as part of a water management plan established and operated in accordance with subsection (a) of this section, an owner or operator of a covered building shall conduct *Legionella pneumophila* culture sampling and analysis of the covered building's water system in a time frame to be determined by the Department upon any of the following:

(1) A determination by the Department of Health and Human Services that one or more cases of Legionnaires' disease are, or may be, associated with the covered building.

(2) Any other conditions specified in the rules developed by the Department pursuant to G.S. 130A-331.5.

(d) In conducting any required sampling and testing, each owner and operator of a covered building shall ensure that any *Legionella pneumophila* culture analysis is performed by a laboratory that is approved to perform the analysis by the North Carolina Wastewater/Groundwater Laboratory Certification program in the Water Sciences Section of the Department of Environmental Quality.

"§ 130A-331.5. Rules.

The Department of Health and Human Services shall adopt rules to implement the provisions of this Article. The rules shall include routine testing for *Legionella pneumophila* bacteria for covered buildings."

SECTION 2.1.(b) Not later than 180 days after the effective date of this act, the Department of Health and Human Services shall adopt the rules required by G.S. 130A-331.5, as enacted by this act.

PART III. POWERS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

SECTION 3.1.(a) Article 10A of Chapter 130A of the General Statutes, as enacted by Part II of this act, is amended by adding a new section to read:

"§ 130A-331.7. Powers and duties of the Department of Environmental Quality.

(a) The Department of Environmental Quality shall instruct each owner and operator of a public water system to (i) assess the risk of *Legionella pneumophila* in the public water system, (ii) implement any necessary mitigations, and (iii) implement routine sampling and testing of the public water system for the presence of *Legionella pneumophila* bacteria. In conducting this required sampling and testing, each owner and operator of a public water system shall ensure that a *Legionella pneumophila* culture analysis is performed by a laboratory that is approved to perform the analysis by the North Carolina Wastewater/Groundwater Laboratory Certification program in the Water Sciences Section of the Department of Environmental Quality.

(b) The Department of Environmental Quality shall adopt rules to incorporate the requirements of this Article."

SECTION 3.1.(b) Not later than 180 days after the effective date of this act, the Department of Environmental Quality shall adopt the rules required by G.S. 130A-331.7, as enacted by this act.

PART IV. APPROPRIATION

1 **SECTION 4.1.** Effective July 1, 2021, there is appropriated from the General Fund
2 to the Department of Environmental Quality the sum of one hundred thousand dollars (\$100,000)
3 in nonrecurring funds for the 2021-2022 fiscal year and the sum of one hundred thousand dollars
4 (\$100,000) in nonrecurring funds for the 2022-2023 fiscal year to be used to conduct testing of
5 the public water system for the presence of Legionella pneumophila bacteria.
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7 **PART V. EFFECTIVE DATE**

8 **SECTION 5.1.** Except as otherwise provided, this act becomes effective October 1,
9 2021.