

1 VISION, FOR THE PURPOSE OF A SINGLE INDOOR OR OUTDOOR ORGANIZED GROUP
2 ACTIVITY OR A SERIES OF SINGLE INDOOR OR OUTDOOR ORGANIZED GROUP ACTIV-
3 ITIES, INVOLVING A NONPASSIVE RECREATIONAL ACTIVITY WITH SIGNIFICANT
4 RISK OF INJURY, AS SUCH ACTIVITIES ARE DEFINED BY THE DEPARTMENT IN
5 RULES AND REGULATIONS, FOR A PERIOD OF LESS THAN TWENTY-FOUR HOURS ON
6 ANY DAY, OPERATING FOR A TOTAL OF TWENTY OR MORE DAYS WHEN THE PROPERTY
7 IS SO OCCUPIED, AND ON WHICH NO PROVISIONS ARE MADE FOR OVERNIGHT OCCU-
8 PANCY BY SUCH CHILDREN. THE COMMISSIONER SHALL HAVE THE POWER TO EXCEPT
9 BY RULE FROM THIS ARTICLE AND THE SANITARY CODE A PLACE, FACILITY OR
10 ACTIVITY THAT IS NOT WITHIN THE INTENT OF THIS DEFINITION.

11 S 3. Section 1392-a of the public health law is REPEALED.

12 S 4. Section 1393 of the public health law, as added by chapter 515 of
13 the laws of 2000, subdivision 4 as amended by chapter 439 of the laws of
14 2009, is amended to read as follows:

15 S 1393. Permit requirements. 1. No person, firm, corporation, or asso-
16 ciation shall operate a children's overnight, summer day, [or] traveling
17 summer day, OR SINGLE-PURPOSE DAY camp without first obtaining a permit
18 from an officer.

19 2. An officer shall issue a permit if, after inspection, the chil-
20 dren's overnight, summer day, [or] traveling summer day, OR SINGLE-PUR-
21 POSE DAY camp is in compliance with this chapter and the sanitary code.
22 All permits shall expire one year from the date of issuance of such
23 permit or upon such earlier date as specified by such officer which date
24 shall in no event be earlier than the latest date that such camps may
25 remain open pursuant to regulations prescribed by the commissioner.
26 Nothing in this section shall be construed to limit the responsibilities
27 and duties of compliance arising out of any other provision of law.

28 3. Notwithstanding any other provision of law, an officer in issuing a
29 permit may waive any requirement of the sanitary code setting a minimum
30 standard of floor space per camper in a camp's sleeping quarters. Such a
31 waiver may be granted upon written application therefor, and shall be
32 accompanied by a statement by the officer of the specific terms and
33 conditions under which the waiver shall have been granted. Such waivers
34 may be granted only to camps constructed prior to January first, nine-
35 teen hundred seventy-five. An officer shall grant such waiver where the
36 application therefor is accompanied by a written certification by the
37 local health officer of its need or desirability to avoid an immediate
38 undue hardship upon the operator which may result in the closing of the
39 children's overnight camp to prospective campers, and a statement by the
40 local health officer that the granting of a waiver shall not present a
41 hazard to public health and safety. All such waivers shall expire on
42 December thirty-first of the year in which they are granted, but may be
43 renewed for good and sufficient reason.

44 4. The fee for a permit [shall be two hundred dollars, except that no
45 fee shall be charged in the case of a children's overnight, summer day
46 or traveling summer day camp operated by a person, firm, corporation or
47 association for charitable, philanthropic or religious purposes] FOR A
48 FOR-PROFIT CHILDREN'S OVERNIGHT, SUMMER DAY, TRAVELING SUMMER DAY OR
49 SINGLE-PURPOSE DAY CAMP SHALL BE AS FOLLOWS: CAMPS WITH A MAXIMUM CAPAC-
50 ITY OF TWO HUNDRED CHILDREN DURING A SINGLE SESSION SHALL BE THREE
51 HUNDRED DOLLARS, CAMPS WITH A MAXIMUM CAPACITY OF THREE HUNDRED CHILDREN
52 DURING A SINGLE SESSION SHALL BE FIVE HUNDRED DOLLARS, CAMPS WITH A
53 MAXIMUM CAPACITY OF FIVE HUNDRED CHILDREN DURING A SINGLE SESSION SHALL
54 BE SEVEN HUNDRED DOLLARS, AND CAMPS WITH A MAXIMUM CAPACITY EXCEEDING
55 FIVE HUNDRED CHILDREN DURING A SINGLE SESSION SHALL BE ONE THOUSAND
56 DOLLARS. NO FEE SHALL BE CHARGED TO A CHILDREN'S OVERNIGHT, SUMMER DAY,

1 TRAVELING SUMMER DAY, OR SINGLE-PURPOSE DAY CAMP, OPERATED BY A MUNICI-
2 PALITY OR A PERSON, FIRM, CORPORATION OR ASSOCIATION FOR CHARITABLE,
3 PHILANTHROPIC OR RELIGIOUS PURPOSES. THE FEES SET FORTH IN THIS SUBDI-
4 VISION SHALL EXCLUSIVELY GOVERN ALL CHILDREN'S OVERNIGHT, SUMMER DAY,
5 TRAVELING SUMMER DAY, AND SINGLE-PURPOSE DAY CAMP NOTWITHSTANDING THE
6 PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, AND SHALL PREEMPT ANY LOCAL
7 LAW OR REGULATION REQUIRING THE PAYMENT OF ANY ADDITIONAL FEE TO
8 INSPECT, PERMIT, OR OPERATE ALL OR ANY PART OF A CHILDREN'S OVERNIGHT,
9 SUMMER DAY, TRAVELING SUMMER DAY OR SINGLE-PURPOSE DAY CAMP EXCEPT AS
10 EXPRESSLY SET FORTH IN THIS SECTION.

11 5. Any enrollment application forms and/or enrollment contract forms
12 mailed or delivered to a person for purposes of enrollment of a child
13 for any children's overnight, summer day, [or] traveling summer day, OR
14 SINGLE-PURPOSE DAY camp shall contain or be accompanied by a written
15 statement which declares:

16 (a) that such camp is required to be licensed by the [New York state]
17 department [of health];

18 (b) that [such camp is required to be inspected twice yearly] CHIL-
19 DREN'S OVERNIGHT, SUMMER DAY, TRAVELING SUMMER DAY OR SINGLE-PURPOSE DAY
20 CAMPS ARE REQUIRED TO BE INSPECTED BY THE DEPARTMENT IN ACCORDANCE WITH
21 SECTION THIRTEEN HUNDRED NINETY-THREE-A OF THIS ARTICLE; [and]

22 (c) the address where inspection reports concerning such camp are
23 filed[.]; AND

24 (D) THAT SUCH CAMP IS REQUIRED TO PURCHASE LIABILITY INSURANCE.

25 S 5. The public health law is amended by adding a new section 1393-a
26 to read as follows:

27 S 1393-A. INSPECTION REQUIREMENTS. 1. CHILDREN'S OVERNIGHT CAMPS ARE
28 REQUIRED TO BE INSPECTED TWICE YEARLY. CHILDREN'S SUMMER DAY CAMPS AND
29 TRAVELING SUMMER DAY CAMPS ARE REQUIRED TO BE INSPECTED ONCE PER YEAR.
30 CHILDREN'S SINGLE-PURPOSE DAY CAMPS ARE REQUIRED TO BE INSPECTED AT
31 LEAST ONCE PER YEAR.

32 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT MAY
33 WAIVE ONE ANNUAL INSPECTION FOR ANY CHILDREN'S OVERNIGHT, SUMMER DAY, OR
34 TRAVELING SUMMER DAY CAMP. IN CONTEMPLATION OF SUCH WAIVER, THE DEPART-
35 MENT SHOULD GIVE PRIORITY TO CAMPS THAT ARE ACCREDITED BY AN ORGANIZA-
36 TION THAT THE DEPARTMENT DEEMS ACCEPTABLE, CAMPS THAT HAVE NO RECORD OF
37 OUTBREAKS, INCIDENTS OR SAFETY PROBLEMS, CAMPS THAT HAVE BEEN RESPONSIVE
38 TO THE DEPARTMENT'S REQUESTS, CAMPS WITH EXPERIENCED LEADERSHIP STAFF,
39 SMALLER CAMPS, AND CAMPS THAT OFFER MORE LOW-RISK ACTIVITIES.

40 S 6. Subdivisions 1, 3 and 4 of section 1394 of the public health law,
41 subdivision 1 as added by chapter 515 of the laws of 2000, subdivision 3
42 as added by chapter 214 of the laws of 2012 and subdivision 4 as added
43 by chapter 242 of the laws of 2013, are amended to read as follows:

44 1. The public health council shall prescribe standards and establish
45 regulations for children's overnight, summer day [and], traveling summer
46 day, AND SINGLE-PURPOSE DAY camps, as defined in this article, concern-
47 ing such matters as may be appropriate for the protection and security
48 of the life, health and safety of the occupants of such camps.

49 3. Any person, firm, corporation, or association that operates a chil-
50 dren's overnight, summer day, [or] traveling summer day, OR SINGLE-PUR-
51 POSE DAY camp, and has obtained a permit pursuant to section thirteen
52 hundred ninety-three of this article, shall be authorized to employ or
53 contract with a physician, nurse practitioner, physician assistant,
54 registered nurse, or licensed practical nurse or emergency medical tech-
55 nician to act as a designated camp health director or to provide health

1 services in assistance to the camp health director pursuant to applica-
2 ble regulations promulgated by the commissioner.

3 4. Each children's overnight camp, summer day camp, SINGLE-PURPOSE DAY
4 CAMP and travelling summer day camp shall allow children attending such
5 camp to carry and use topical sunscreen products approved by the federal
6 Food and Drug Administration for over-the-counter use for the purpose of
7 avoiding overexposure to the sun and not for medical treatment of an
8 injury or illness, with the written permission of the parent or guardian
9 of the child. A record of such permission shall be maintained by the
10 camp. A child who is unable to physically apply sunscreen may be
11 assisted by unlicensed personnel when directed to do so by the child, if
12 permitted by a parent or guardian and authorized by the camp.

13 S 7. Section 1394-a of the public health law, as amended by chapter
14 428 of the laws of 2008, is amended to read as follows:

15 S 1394-a. Requirement to check sex offender registry. Every person,
16 firm, limited liability company, association and corporation which oper-
17 ates a CHILDREN'S OVERNIGHT, summer day, TRAVELING SUMMER DAY, OR
18 SINGLE-PURPOSE DAY camp shall be required, to ascertain whether an
19 employee or volunteer is listed on the state sex offender registry
20 pursuant to article six-C of the correction law prior to the day such
21 employee or volunteer commences work at said camp and annually thereaft-
22 er prior to their arrival at said camp.

23 S 8. Section 1394-b of the public health law is REPEALED.

24 S 9. Section 1395 of the public health law, as added by chapter 515 of
25 the laws of 2000, is amended to read as follows:

26 S 1395. Violations; temporary restraining order. 1. A violation of
27 this chapter or of the sanitary code in the operation of a children's
28 overnight, summer day, [or] traveling summer day, OR SINGLE-PURPOSE DAY
29 camp shall constitute a public nuisance which may be enjoined or
30 restrained.

31 2. When an officer has cause to believe that there has been a
32 violation of this chapter or the sanitary code in the operation of a
33 children's overnight, summer day, [or] traveling summer day, OR SINGLE-
34 PURPOSE DAY camp which does not constitute a public health hazard as
35 defined by the sanitary code, and that such violation has continued for
36 more than three days after notice of the violation and demand for
37 discontinuance and abatement thereof has been served in writing on the
38 children's overnight, summer day, [or] traveling summer day, OR SINGLE-
39 PURPOSE DAY camp operator in the manner prescribed for the service of
40 summons set forth in the civil practice law and rules, an officer may:

41 (a) Conduct a hearing upon at least three days notice served on the
42 camp operator in the manner prescribed for the service of summons as set
43 forth in the civil practice law and rules, and

44 (b) Make a determination after such hearing with respect to the
45 alleged violation or violations and have the power to assess a fine on
46 the children's overnight, summer day, [or] traveling summer day, OR
47 SINGLE-PURPOSE DAY camp operator not to exceed two hundred fifty dollars
48 for each violation for each day succeeding the third day after the
49 notice of violation and demand for discontinuance and abatement thereof
50 has been given, and

51 (c) With respect to the hearing set forth herein the officer in
52 accordance with the civil practice law and rules may: issue subpoena,
53 compel the attendance of witnesses, and administer oaths to witnesses,
54 and

55 (d) Make an ex parte application to the supreme court of the state of
56 New York for a temporary restraining order which the court may grant

1 when it determines that there is a violation which requires immediate
2 relief.

3 3. When an officer has cause to believe that there has been a
4 violation of this chapter or the sanitary code in the operation of A
5 children's overnight, summer day, [or] traveling summer day, OR SINGLE-
6 PURPOSE DAY camp which constitutes a public health hazard as defined by
7 the sanitary code, and after notice of the violation has been served in
8 writing on the children's overnight, summer day, [or] traveling summer
9 day, OR SINGLE-PURPOSE DAY camp operator in the manner prescribed for
10 the service of summons set forth in the civil practice law and rules, an
11 officer may:

12 (a) Conduct a hearing upon at least fifteen days notice in accordance
13 with the provisions of section twelve-a of this chapter served on the
14 camp operator in the manner prescribed for the service of summons as set
15 forth in the civil practice law and rules, and

16 (b) Make a determination after such hearing with respect to the
17 alleged violation or violations and have the power to assess a fine on
18 the children's overnight, summer day, [or] traveling summer day, OR
19 SINGLE-PURPOSE DAY camp operator in accordance with the provisions of
20 section twelve of this chapter for each violation, and

21 (c) With respect to the hearing set forth herein the officer in
22 accordance with the civil practice law and rules may: issue A subpoena,
23 compel the attendance of witnesses, and administer oaths to witnesses,
24 and

25 (d) Make an ex parte application to the supreme court of the state of
26 New York for a temporary restraining order which the court may grant
27 when it determines that there is a violation which requires immediate
28 relief.

29 4. The officer may appoint one or more hearing officers as shall be
30 necessary to do or perform in his place or stead the acts authorized by
31 paragraphs (a) and (c) of subdivision two of this section. The hearing
32 officer shall make findings of fact and submit recommendations to the
33 officer.

34 5. An officer may institute proceedings to enjoin the continuance of
35 such violation or the continued operation of such camp. No bond or
36 undertaking shall be required of such officer in such proceedings and no
37 application to vacate or modify any judgment obtained shall be enter-
38 tained by any court without proof to such court that ten days notice of
39 such application, and copies of the papers upon which the application is
40 to be made, have been served upon such officer.

41 6. Nothing contained in this section shall be construed to limit the
42 duty or power of an officer to act with regard to an immediate threat to
43 the health of the occupants of a children's overnight, summer day, [or]
44 traveling summer day, OR SINGLE-PURPOSE DAY camp or the community in
45 which it is located, or to alter or abridge any of the duties and powers
46 now or hereafter existing in the commissioner, state district health
47 officers, county boards of health, county commissioners of health or
48 local boards of health.

49 7. Nothing contained in this section shall be construed to limit or
50 preclude the officer from enforcing or pursuing any remedies or penal-
51 ties available under this chapter or THE sanitary code with respect to
52 violations which constitute a public health hazard as defined by the
53 sanitary code, in the operation of the children's overnight, summer day,
54 [or] traveling summer day, OR SINGLE-PURPOSE DAY camp, including, but
55 not limited to, those remedies or penalties available under sections

1 twelve, sixteen, two hundred six, two hundred twenty-nine, three hundred
2 nine, and three hundred forty-eight of this chapter.
3 S 10. This act shall take effect 1 year after it shall have become a
4 law.