

5414

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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Introduced by Sens. KLEIN, CARLUCCI, SAVINO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to notice of safety and sanitation inspection results for child day care providers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The social services law is amended by adding a new section  
2     390-i to read as follows:  
3     S 390-I. NOTICE OF SAFETY AND SANITATION INSPECTION RESULTS. 1. EACH  
4     CHILD DAY CARE PROVIDER THAT OPERATES A HOME OR FACILITY, INCLUDING A  
5     CHILD DAY CARE CENTER, GROUP FAMILY DAY CARE HOME, FAMILY DAY CARE HOME  
6     OR SCHOOL AGE CHILD CARE IN THIS STATE, WHERE CHILD DAY CARE IS PROVIDED  
7     SHALL POST A COPY OF ITS MOST RECENT SAFETY AND SANITATION INSPECTION  
8     RESULTS IN A CONSPICUOUS LOCATION NEAR EACH PUBLIC ENTRANCE, AS  
9     PRESCRIBED BY THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES, OR HIS  
10    OR HER DESIGNEE, AND ON THE WEBSITE OF SUCH PROVIDER.  
11    2. ALL SUCH HOMES AND FACILITIES REGULATED PURSUANT TO THE PROVISIONS  
12    OF SUBDIVISION ONE OF THIS SECTION BY THE OFFICE OF CHILDREN AND FAMILY  
13    SERVICES, INCLUDING ITS DESIGNEE, THE DEPARTMENT OF HEALTH AND MENTAL  
14    HEALTH OF THE CITY OF NEW YORK, SHALL COMPLY WITH THE POSTING REQUIRE-  
15    MENTS OF THIS SECTION.  
16    3. ANY CHILD DAY CARE PROVIDER, WHICH IS SUBJECT TO THE PROVISIONS OF  
17    THIS SECTION, THAT VIOLATES SUBDIVISION ONE OF THIS SECTION SHALL, FOR A  
18    FIRST SUCH VIOLATION OF THIS SECTION, IN LIEU OF A PENALTY, BE ISSUED A  
19    WRITTEN WARNING AND SHALL ALSO BE ISSUED EDUCATIONAL MATERIALS ON HOW TO  
20    COMPLY WITH THIS SECTION. SUCH PROVIDER SHALL, HOWEVER, FOR A SECOND  
21    VIOLATION, BE LIABLE FOR A CIVIL PENALTY NOT TO EXCEED ONE HUNDRED  
22    DOLLARS, AND NOT TO EXCEED TWO HUNDRED FIFTY DOLLARS FOR ANY SUBSEQUENT  
23    VIOLATION THAT OCCURS WITHIN ONE YEAR OF THE FIRST SUCH VIOLATION. SUCH  
24    PENALTIES SHALL BE ASSESSED BY THE COMMISSIONER OF CHILDREN AND FAMILY

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 SERVICES OR THE DEPARTMENT OF HEALTH AND MENTAL HEALTH OF THE CITY OF  
2 NEW YORK, AS THE CASE MAY BE, AFTER A HEARING OR OPPORTUNITY TO BE  
3 HEARD.

4 S 2. This act shall take effect on the first of January next succeed-  
5 ing the date on which it shall have become a law. Provided, however,  
6 that effective immediately any rules and regulations necessary to imple-  
7 ment the provisions of this act on its effective date are authorized and  
8 directed to be completed on or before such date.