

STATE OF NEW YORK

1840

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

Introduced by Sen. TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law and the public health law, in relation to mandatory reporting of suspected child abuse or maltreatment by certain persons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 1 of section 413 of the social
2 services law, as amended by section 7 of part C of chapter 57 of the
3 laws of 2018, is amended to read as follows:

4 (a) The following persons and officials are required to report or
5 cause a report to be made in accordance with this title when they have
6 reasonable cause to suspect that a child coming before them in their
7 professional or official capacity is an abused or maltreated child, or
8 when they have reasonable cause to suspect that a child is an abused or
9 maltreated child where the parent, guardian, custodian or other person
10 legally responsible for such child comes before them in their profes-
11 sional or official capacity and states from personal knowledge facts,
12 conditions or circumstances which, if correct, would render the child an
13 abused or maltreated child: any physician; registered physician assist-
14 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
15 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
16 psychologist; registered nurse; social worker; emergency medical techni-
17 cian; licensed creative arts therapist; licensed marriage and family
18 therapist; licensed mental health counselor; licensed psychoanalyst;
19 licensed behavior analyst; certified behavior analyst assistant; hospi-
20 tal personnel engaged in the admission, examination, care or treatment
21 of persons; a Christian Science practitioner; school official, which
22 includes but is not limited to college coach, athletic director, profes-
23 sor, graduate assistant, college administrator, college president,
24 school teacher, school guidance counselor, school psychologist, school

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

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1 social worker, school nurse, school administrator or other school
2 personnel required to hold a teaching or administrative license or
3 certificate; full or part-time compensated school employee required to
4 hold a temporary coaching license or professional coaching certificate;
5 social services worker; employee of a publicly-funded emergency shelter
6 for families with children; director or any paid staff member of a chil-
7 dren's overnight camp, summer day camp or traveling summer day camp, as
8 such camps are defined in section thirteen hundred ninety-two of the
9 public health law, such paid staff members shall include, but not be
10 limited to, any individuals who may interact with children through
11 employment at such camps or employment at premises where such camps are
12 located; day care center worker; school-age child care worker; provider
13 of family or group family day care; employee or volunteer in a residen-
14 tial care facility for children that is licensed, certified or operated
15 by the office of children and family services; or any other child care
16 or foster care worker; mental health professional; substance abuse coun-
17 selor; alcoholism counselor; all persons credentialed by the office of
18 alcoholism and substance abuse services; employees, who are expected to
19 have regular and substantial contact with children, of a health home or
20 health home care management agency contracting with a health home as
21 designated by the department of health and authorized under section
22 three hundred sixty-five-1 of this chapter or such employees who provide
23 home and community based services under a demonstration program pursuant
24 to section eleven hundred fifteen of the federal social security act who
25 are expected to have regular and substantial contact with children;
26 peace officer; police officer; district attorney or assistant district
27 attorney; investigator employed in the office of a district attorney; or
28 other law enforcement official.

29 § 2. Subdivision 2 of section 1392 of the public health law, as
30 amended by chapter 439 of the laws of 2009, is amended to read as
31 follows:

32 2. "Summer day camp" shall mean a property consisting of a tract of
33 land and any tents, vehicles, buildings or other structures that may be
34 pertinent to its use, any part of which may be occupied on a scheduled
35 basis at any time between June first and September fifteenth in any year
36 by children under sixteen years of age under general supervision, for
37 the purpose of any indoor or outdoor organized group activities, involv-
38 ing one or more: (i) nonpassive recreational activities with significant
39 risk of injury, as such activities are defined by the department in
40 rules and regulations, or (ii) educational programs or activities, for a
41 period of less than twenty-four hours on any day the property is so
42 occupied, and on which no provisions are made for overnight occupancy by
43 such children. The commissioner shall have the power to except by rule
44 from this article and the sanitary code a place, facility or activity
45 that is not within the intent of this definition, provided that no
46 exception may be granted to a summer day camp which is dedicated to a
47 single activity if that activity meets the criteria of a nonpassive
48 recreational activity with significant risk of injury or is an educa-
49 tional program or activity.

50 § 3. This act shall take effect on the one hundred twentieth day after
51 it shall have become a law. Effective immediately, the addition, amend-
52 ment and/or repeal of any rule or regulation necessary for the implemen-
53 tation of this act on its effective date are authorized to be made on or
54 before such date.