S T A T E O F N E W Y O R K

5239

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the social services law, in relation to requiring single activity clinics to ascertain whether an employee or volunteer is listed on the state sex offender registry pursuant to article six-C of the correction law

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

Section 1. Section 1392 of the public health law is amended by adding a new subdivision 3-a to read as follows:

3-A. "SINGLE ACTIVITY CLINIC" SHALL MEAN ANY PERSON, FIRM, LIMITED LIABILITY COMPANY, ASSOCIATION AND OPERATION WHICH OPERATES ANY SINGLE ACTIVITY CLINIC OR RUNS ANY TYPE OF ORGANIZED ACTIVITY FOR A FEE INVOLVING PARTICIPANTS UNDER THE AGE OF EIGHTEEN FROM JUNE FIRST THROUGH SEPTEMBER FIFTEENTH.

S 2. Section 1393 of the public health law, as added by chapter 515 of the laws of 2000, subdivision 4 as amended by chapter 439 of the laws of 2009, is amended to read as follows:

S 1393. Permit requirements. 1. No person, firm, corporation, or association shall operate a children's overnight, SINGLE ACTIVITY CLINIC, summer day, or traveling summer day camp without first obtaining a permit from an officer.

2. An officer shall issue a permit if, after inspection, the children's overnight, SINGLE ACTIVITY CLINIC, summer day, or traveling summer day camp is in compliance with this chapter and the sanitary code. All permits shall expire one year from the date of issuance of such permit or upon such earlier date as specified by such officer which date shall in no event be earlier than the latest date that such camps OR CLINICS may remain open pursuant to regulations prescribed by the commissioner. Nothing in this section shall be construed to limit the

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

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responsibilities and duties of compliance arising out of any other provision of law.

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

4. The fee for a permit shall be two hundred dollars, except that no fee shall be charged in the case of a children's overnight, SINGLE ACTIVITY CLINIC, summer day or traveling summer day camp operated by a person, firm, corporation or association for charitable, philanthropic or religious purposes.

5. Any enrollment application forms and/or enrollment contract forms mailed or delivered to a person for purposes of enrollment of a child for any children's overnight, SINGLE ACTIVITY CLINIC, summer day, or traveling summer day camp shall contain or be accompanied by a written statement which declares:

(a) that such camp OR CLINIC is required to be licensed by the New York state department of health;

(b) that such camp OR CLINIC is required to be inspected twice yearly; and

(c) the address where inspection reports concerning such camp OR CLINIC are filed.

S 3. The public health law is amended by adding a new section 1394-c to read as follows:

S 1394-C. REQUIREMENT TO CHECK SEX OFFENDER REGISTRY. EVERY PERSON, FIRM, LIMITED LIABILITY COMPANY, ASSOCIATION AND CORPORATION WHICH OPERATES A SINGLE ACTIVITY CLINIC SHALL BE REQUIRED, TO ASCERTAIN WHETHER AN EMPLOYEE OR VOLUNTEER IS LISTED ON THE STATE SEX OFFENDER REGISTRY PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW PRIOR TO THE DAY SUCH EMPLOYEE OR VOLUNTEER COMMENCES WORK AT SUCH CLINIC AND ANNUALLY THEREAFTER PRIOR TO THEIR ARRIVAL AT SUCH CLINIC.

S 4. Subdivision 1 of section 424-a of the social services law is amended by adding a new paragraph (d-2) to read as follows:

(D-2) EVERY PERSON, FIRM, LIMITED LIABILITY COMPANY, ASSOCIATION AND OPERATION WHICH OPERATES A CAMP THAT FALLS UNDER THE PROVISIONS OF ARTICLE THIRTEEN-B OF THE PUBLIC HEALTH LAW FOR EVERY EMPLOYEE OR VOLUNTEER, PRIOR TO THE EMPLOYMENT START DATE, SHALL INQUIRE OF THE OFFICE OF CHILDREN AND FAMILIES SERVICES, AND THE OFFICE SHALL, UPON RECEIPT OF SUCH INQUIRY AND SUBJECT TO THE PROVISIONS OF PARAGRAPH (E) OR (B) OF SUBDIVISION ONE OF THIS SECTION, INFORM SUCH AND THE SUBJECT OF THE INQUIRY WHETHER ANY PERSON WHO IS ACTIVELY BEING CONSIDERED FOR EMPLOYMENT AND WHO WILL HAVE THE POTENTIAL FOR REGULAR AND SUBSTANTIAL CONTACT WITH CHILDREN IS THE SUBJECT OF AN INDICATED CHILD ABUSE AND MALTREATMENT

REPORT ON FILE WITH THE STATEWIDE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such date.