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

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I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sens. MAZIARZ, FARLEY, ALESI, FUSCHILLO, GRISANTI, LIBOUS, McDONALD, RANZENHOFER, RITCHIE, SEWARD, VALESKY -- 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 at summer day camps

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

Section 1. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by chapter 91 of the laws of 2011, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to COLLEGE COACH, ATHLETIC DIRECTOR, PROFESSOR, GRADUATE ASSISTANT, COLLEGE ADMINISTRATOR, COLLEGE PRESIDENT, school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school

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

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personnel required to hold a teaching or administrative license or certificate; social services worker; director OR ANY PAID STAFF MEMBER of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law, SUCH PAID STAFF MEMBERS SHALL INCLUDE, BUT NOT BE LIMITED TO ANY INDIVIDUALS WHO MAY INTERACT WITH CHILDREN THROUGH EMPLOYMENT AT SUCH CAMPS OR EMPLOYMENT AT PREMISES WHERE SUCH CAMPS ARE LOCATED; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility defined in subdivision four of section four hundred twelve-a of this title or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

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

2. "Summer day camp" shall mean a property consisting of a tract of land and any tents, vehicles, buildings or other structures that may be pertinent to its use, any part of which may be occupied on a scheduled basis at any time between June first and September fifteenth in any year by children under sixteen years of age under general supervision, for the purpose of ANY indoor or outdoor organized group activities, involving ONE OR MORE: (I) nonpassive recreational activities with significant risk of injury, as such activities are defined by the department in rules and regulations, OR (II) EDUCATIONAL PROGRAMS OR ACTIVITIES, for a period of less than twenty-four hours on any day the property is so occupied, and on which no provisions are made for overnight occupancy by such children. The commissioner shall have the power to except by rule from this article and the sanitary code a place, facility or activity that is not within the intent of this definition, PROVIDED THAT NO EXCEPTION MAY BE GRANTED TO A SUMMER DAY CAMP WHICH IS DEDICATED TO A SINGLE ACTIVITY IF THAT ACTIVITY MEETS THE CRITERIA OF A NONPASSIVE RECREATIONAL ACTIVITY WITH SIGNIFICANT RISK OF INJURY OR IS AN EDUCATIONAL PROGRAM OR ACTIVITY.

S 3. This act shall take effect on the one hundred twentieth 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 to be made on or before such date.