

7487

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 22, 2013

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Introduced by M. of A. MILLER -- read once and referred to the Committee  
on Health

AN ACT to amend the public health law and the social services law, in  
relation to requiring single-purpose day camps 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The article heading of article 13-B of the public health  
2 law, as added by chapter 515 of the laws of 2000, is amended to read as  
3 follows:

4                    REGULATION OF OVERNIGHT, SINGLE-PURPOSE DAY, SUMMER  
5                    DAY, AND TRAVELING SUMMER DAY CAMPS FOR CHILDREN

6     S 2. Section 1392 of the public health law is amended by adding a new  
7 subdivision 3-a to read as follows:

8     3-A. "SINGLE-PURPOSE DAY CAMP" SHALL MEAN A PROPERTY CONSISTING OF A  
9 TRACT OF LAND AND ANY TENTS, VEHICLES, BUILDINGS OR OTHER STRUCTURES  
10 THAT MAY BE PERTINENT TO ITS USE, ANY PART OF WHICH MAY BE OCCUPIED ON A  
11 SCHEDULED BASIS AT ANY TIME BETWEEN JUNE FIRST AND SEPTEMBER FIFTEENTH  
12 IN ANY YEAR BY CHILDREN UNDER SIXTEEN YEARS OF AGE UNDER GENERAL SUPER-  
13 VISION, FOR THE PURPOSE OF A SINGLE INDOOR OR OUTDOOR ORGANIZED GROUP  
14 ACTIVITY, INVOLVING A NONPASSIVE RECREATIONAL ACTIVITY WITH SIGNIFICANT  
15 RISK OF INJURY, AS SUCH ACTIVITIES ARE DEFINED BY THE DEPARTMENT IN  
16 RULES AND REGULATIONS, FOR A PERIOD OF LESS THAN TWENTY-FOUR HOURS ON  
17 ANY DAY THE PROPERTY IS SO OCCUPIED, AND ON WHICH NO PROVISIONS ARE MADE  
18 FOR OVERNIGHT OCCUPANCY BY SUCH CHILDREN. THE COMMISSIONER SHALL HAVE  
19 THE POWER TO EXCEPT BY RULE FROM THIS ARTICLE AND THE SANITARY CODE A  
20 PLACE, FACILITY OR ACTIVITY THAT IS NOT WITHIN THE INTENT OF THIS DEFI-  
21 NITION.

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

LBD05314-04-3

1 S 3. Section 1393 of the public health law, as added by chapter 515 of  
2 the laws of 2000 and subdivision 4 as amended by chapter 439 of the laws  
3 of 2009, is amended to read as follows:

4 S 1393. Permit requirements. 1. No person, firm, corporation, or asso-  
5 ciation shall operate a children's overnight, SINGLE-PURPOSE DAY, summer  
6 day, or traveling summer day camp without first obtaining a permit from  
7 an officer.

8 2. An officer shall issue a permit if, after inspection, the chil-  
9 dren's overnight, SINGLE-PURPOSE DAY, summer day, or traveling summer  
10 day camp is in compliance with this chapter and the sanitary code. All  
11 permits shall expire one year from the date of issuance of such permit  
12 or upon such earlier date as specified by such officer which date shall  
13 in no event be earlier than the latest date that such camps may remain  
14 open pursuant to regulations prescribed by the commissioner. Nothing in  
15 this section shall be construed to limit the responsibilities and duties  
16 of compliance arising out of any other provision of law.

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

33 4. The fee for a permit shall be two hundred dollars, except that no  
34 fee shall be charged in the case of a children's overnight, SINGLE-PUR-  
35 POSE DAY, summer day or traveling summer day camp operated by a person,  
36 firm, corporation or association for charitable, philanthropic or reli-  
37 gious purposes.

38 5. Any enrollment application forms and/or enrollment contract forms  
39 mailed or delivered to a person for purposes of enrollment of a child  
40 for any children's overnight, SINGLE-PURPOSE DAY, summer day, or travel-  
41 ing summer day camp shall contain or be accompanied by a written state-  
42 ment which declares:

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

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

46 (c) the address where inspection reports concerning such camp are  
47 filed.

48 S 4. The public health law is amended by adding a new section 1394-c  
49 to read as follows:

50 S 1394-C. REQUIREMENT TO CHECK SEX OFFENDER REGISTRY. EVERY PERSON,  
51 FIRM, LIMITED LIABILITY COMPANY, ASSOCIATION AND CORPORATION WHICH OPER-  
52 ATES A SINGLE-PURPOSE DAY CAMP SHALL BE REQUIRED TO ASCERTAIN WHETHER AN  
53 EMPLOYEE OR VOLUNTEER IS LISTED ON THE STATE SEX OFFENDER REGISTRY  
54 PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW PRIOR TO THE DAY SUCH  
55 EMPLOYEE OR VOLUNTEER COMMENCES WORK AT SUCH CAMP AND ANNUALLY THEREAFT-  
56 ER PRIOR TO THEIR ARRIVAL AT SUCH CAMP.

1 S 5. Subdivision 1 of section 424-a of the social services law is  
2 amended by adding a new paragraph (d-2) to read as follows:  
3 (D-2) EVERY PERSON, FIRM, LIMITED LIABILITY COMPANY, ASSOCIATION AND  
4 OPERATION WHICH OPERATES A CAMP THAT FALLS UNDER THE PROVISIONS OF ARTI-  
5 CLE THIRTEEN-B OF THE PUBLIC HEALTH LAW FOR EVERY EMPLOYEE OR VOLUNTEER,  
6 PRIOR TO THE EMPLOYMENT START DATE, SHALL INQUIRE OF THE OFFICE OF CHIL-  
7 DREN AND FAMILY SERVICES, AND THE OFFICE SHALL, UPON RECEIPT OF SUCH  
8 INQUIRY AND SUBJECT TO THE PROVISIONS OF PARAGRAPH (B) OR (E) OF SUBDI-  
9 VISION ONE OF THIS SECTION, INFORM SUCH AND THE SUBJECT OF THE INQUIRY  
10 WHETHER ANY PERSON WHO IS ACTIVELY BEING CONSIDERED FOR EMPLOYMENT AND  
11 WHO WILL HAVE THE POTENTIAL FOR REGULAR AND SUBSTANTIAL CONTACT WITH  
12 CHILDREN IS THE SUBJECT OF AN INDICATED CHILD ABUSE AND MALTREATMENT  
13 REPORT ON FILE WITH THE STATEWIDE CENTRAL REGISTER OF CHILD ABUSE AND  
14 MALTREATMENT.  
15 S 6. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law. Effective immediately, the addition, amend-  
17 ment and/or repeal of any rule or regulation necessary for the implemen-  
18 tation of this act on its effective date is authorized and directed to  
19 be made and completed on or before such date.