

1346

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. MAZIARZ, DeFRANCISCO, FUSCHILLO, GRISANTI, LIBOUS, SEWARD -- 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 chapter 91 of the laws of 2011, is amended
3 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 hospital personnel engaged in the admission, examination, care or treat-
20 ment of persons; a Christian Science practitioner; school official,
21 which includes but is not limited to COLLEGE COACH, ATHLETIC DIRECTOR,
22 PROFESSOR, GRADUATE ASSISTANT, COLLEGE ADMINISTRATOR, COLLEGE PRESIDENT,

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

LBD02252-02-3

1 school teacher, school guidance counselor, school psychologist, school
2 social worker, school nurse, school administrator or other school
3 personnel required to hold a teaching or administrative license or
4 certificate; social services worker; director OR ANY PAID STAFF MEMBER
5 of a children's overnight camp, summer day camp or traveling summer day
6 camp, as such camps are defined in section thirteen hundred ninety-two
7 of the public health law, SUCH PAID STAFF MEMBERS SHALL INCLUDE, BUT NOT
8 BE LIMITED TO ANY INDIVIDUALS WHO MAY INTERACT WITH CHILDREN THROUGH
9 EMPLOYMENT AT SUCH CAMPS OR EMPLOYMENT AT PREMISES WHERE SUCH CAMPS ARE
10 LOCATED; day care center worker; school-age child care worker; provider
11 of family or group family day care; employee or volunteer in a residen-
12 tial care facility defined in subdivision four of section four hundred
13 twelve-a of this title or any other child care or foster care worker;
14 mental health professional; substance abuse counselor; alcoholism coun-
15 selor; all persons credentialed by the office of alcoholism and
16 substance abuse services; peace officer; police officer; district attor-
17 ney or assistant district attorney; investigator employed in the office
18 of a district attorney; or other law enforcement official.

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

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

40 S 3. This act shall take effect on the one hundred twentieth day after
41 it shall have become a law. Effective immediately, the addition, amend-
42 ment and/or repeal of any rule or regulation necessary for the implemen-
43 tation of this act on its effective date is authorized to be made on or
44 before such date.