

# STATE OF NEW YORK

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5850--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 16, 2017

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Introduced by M. of A. WALSH, CROUCH, GIGLIO, LAWRENCE -- Multi-Sponsored by -- M. of A. BLANKENBUSH, B. MILLER, MURRAY -- read once and referred to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 2 of part Q of chapter 56 of the  
3 laws of 2017, 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

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

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1 of persons; a Christian Science practitioner; school official, which  
2 includes but is not limited to college coach, athletic director, profes-  
3 sor, graduate assistant, college administrator, college president,  
4 school teacher, school guidance counselor, school psychologist, school  
5 social worker, school nurse, school administrator or other school  
6 personnel required to hold a teaching or administrative license or  
7 certificate; full or part-time compensated school employee required to  
8 hold a temporary coaching license or professional coaching certificate;  
9 social services worker; employee of a publicly-funded emergency shelter  
10 for families with children; director or any paid staff member of a chil-  
11 dren's overnight camp, summer day camp or traveling summer day camp, as  
12 such camps are defined in section thirteen hundred ninety-two of the  
13 public health law, such paid staff members shall include, but not be  
14 limited to, any individuals who may interact with children through  
15 employment at such camps or employment at premises where such camps are  
16 located; day care center worker; school-age child care worker; provider  
17 of family or group family day care; employee or volunteer in a residen-  
18 tial care facility for children that is licensed, certified or operated  
19 by the office of children and family services; or any other child care  
20 or foster care worker; mental health professional; substance abuse coun-  
21 selor; alcoholism counselor; all persons credentialed by the office of  
22 alcoholism and substance abuse services; peace officer; police officer;  
23 district attorney or assistant district attorney; investigator employed  
24 in the office of a district attorney; or other law enforcement official.

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

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

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