

# STATE OF NEW YORK

3338

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. WALSH, J. M. GIGLIO, ASHBY, MONTESANO, MORINELLO, HAWLEY, SALKA, McDONOUGH, WALCZYK, SAYEGH, RA, PALMESANO, BRABENEC, TAGUE, SMULLEN -- Multi-Sponsored by -- M. of A. BLANKENBUSH, BYRNES, DeSTEFANO, MANKTELOW, B. MILLER -- read once and referred 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 section 7 of part C of chapter 57 of the  
3 laws of 2018, 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  
21 of persons; a Christian Science practitioner; school official, which  
22 includes but is not limited to college coach, athletic director, profes-  
23 sor, graduate assistant, college administrator, college president,  
24 school teacher, school guidance counselor, school psychologist, school

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

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1 social worker, school nurse, school administrator or other school  
2 personnel required to hold a teaching or administrative license or  
3 certificate; full or part-time compensated school employee required to  
4 hold a temporary coaching license or professional coaching certificate;  
5 social services worker; employee of a publicly-funded emergency shelter  
6 for families with children; director or any paid staff member of a chil-  
7 dren's overnight camp, summer day camp or traveling summer day camp, as  
8 such camps are defined in section thirteen hundred ninety-two of the  
9 public health law, such paid staff members shall include, but not be  
10 limited to, any individuals who may interact with children through  
11 employment at such camps or employment at premises where such camps are  
12 located; day care center worker; school-age child care worker; provider  
13 of family or group family day care; employee or volunteer in a residen-  
14 tial care facility for children that is licensed, certified or operated  
15 by the office of children and family services; or any other child care  
16 or foster care worker; mental health professional; substance abuse coun-  
17 selor; alcoholism counselor; all persons credentialed by the office of  
18 alcoholism and substance abuse services; employees, who are expected to  
19 have regular and substantial contact with children, of a health home or  
20 health home care management agency contracting with a health home as  
21 designated by the department of health and authorized under section  
22 three hundred sixty-five-1 of this chapter or such employees who provide  
23 home and community based services under a demonstration program pursuant  
24 to section eleven hundred fifteen of the federal social security act who  
25 are expected to have regular and substantial contact with children;  
26 peace officer; police officer; district attorney or assistant district  
27 attorney; investigator employed in the office of a district attorney; or  
28 other law enforcement official.

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

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

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