

# STATE OF NEW YORK

8136--B

2021-2022 Regular Sessions

## IN ASSEMBLY

June 11, 2021

Introduced by M. of A. PAULIN, ASHBY, JENSEN -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the general business law, in relation to children's non-regulated camps

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 1394-d to read as follows:

3 § 1394-d. Requirement to check sex offender registry. Every person,  
4 firm, limited liability company, association and corporation which oper-  
5 ates a children's non-regulated camp as defined in section three hundred  
6 ninety-eight-f of the general business law shall be required to ascer-  
7 tain whether an employee or volunteer is listed on the state sex offen-  
8 der registry pursuant to article six-C of the correction law and the  
9 national sex offender registry using the national crime information  
10 center, established under the Adam Walsh child protection and safety act  
11 of 2006 (42 U.S.C. 16901 et seq.) prior to the day such employee or  
12 volunteer commences work at such camp and annually thereafter prior to  
13 their arrival at such camp.

14 § 2. Paragraph (a) of subdivision 2 of section 398-f of the general  
15 business law, as added by chapter 103 of the laws of 2019, is amended to  
16 read as follows:

17 (a) No person, firm, corporation or association shall enroll or allow  
18 participation of a child in a children's non-regulated camp unless the  
19 parent or guardian of the child has been provided with the following  
20 written notice on the application or enrollment form:

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

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1 "This camp is not regulated or inspected by the New York State Depart-  
2 ment of Health and is not required to obtain a Department of Health  
3 permit. This camp is not required to follow Department of Health regu-  
4 lations, including, [~~checking the state sex offender registry prior to~~  
5 ~~hiring staff,~~] maintaining minimum staff-to-child ratios; hiring medical  
6 personnel; or reporting injuries or illnesses to the Department of  
7 Health."

8 § 3. Section 1392-a of the public health law, as amended by chapter  
9 428 of the laws of 2008, is amended to read as follows:

10 § 1392-a. Requirement to check sex offender registry. Every person,  
11 firm, limited liability company, association and corporation which oper-  
12 ates a children's overnight camp shall be required, to ascertain whether  
13 an employee or volunteer is listed on the state sex offender registry  
14 pursuant to article six-C of the correction law and the national sex  
15 offender registry using the national crime information center, estab-  
16 lished under the Adam Walsh child protection and safety act of 2006 (42  
17 U.S.C. 16901 et seq.) prior to the day such employee or volunteer  
18 commences work at said camp and annually thereafter prior to their  
19 arrival at said camp.

20 § 4. Section 1394-a of the public health law, as amended by chapter  
21 428 of the laws of 2008, is amended to read as follows:

22 § 1394-a. Requirement to check sex offender registry. Every person,  
23 firm, limited liability company, association and corporation which oper-  
24 ates a summer day camp shall be required, to ascertain whether an  
25 employee or volunteer is listed on the state sex offender registry  
26 pursuant to article six-C of the correction law and the national sex  
27 offender registry using the national crime information center, estab-  
28 lished under the Adam Walsh child protection and safety act of 2006 (42  
29 U.S.C. 16901 et seq.) prior to the day such employee or volunteer  
30 commences work at said camp and annually thereafter prior to their  
31 arrival at said camp.

32 § 5. Section 1394-b of the public health law, as amended by chapter  
33 428 of the laws of 2008, is amended to read as follows:

34 § 1394-b. Requirement to check sex offender registry. Every person,  
35 firm, limited liability company, association and corporation which oper-  
36 ates a traveling summer day camp shall be required, to ascertain whether  
37 an employee or volunteer is listed on the state sex offender registry  
38 pursuant to article six-C of the correction law and the national sex  
39 offender registry using the national crime information center, estab-  
40 lished under the Adam Walsh child protection and safety act of 2006 (42  
41 U.S.C. 16901 et seq.) prior to the day such employee or volunteer  
42 commences work at said camp and annually thereafter prior to their  
43 arrival at said camp.

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