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:

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

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

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

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

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

LBD08227-08-2

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

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

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

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

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

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

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

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.