

STATE OF NEW YORK

3966--B

Cal. No. 116

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. REICHLIN-MELNICK, BROOKS, MANNION, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

LBD08227-09-2

1 parent or guardian of the child has been provided with the following
2 written notice on the application or enrollment form:

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

10 § 3. Section 1392-a of the public health law, as amended by chapter
11 428 of the laws of 2008, is amended to read as follows:

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

22 § 4. Section 1394-a of the public health law, as amended by chapter
23 428 of the laws of 2008, is amended to read as follows:

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

34 § 5. Section 1394-b of the public health law, as amended by chapter
35 428 of the laws of 2008, is amended to read as follows:

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

46 § 6. This act shall take effect on the one hundred eightieth 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 are authorized to be made and
50 completed on or before such effective date.