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:

Section 1. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by section 7 of part C of chapter 57 of the laws of 2018, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to **college coach, athletic director, professor, graduate assistant, college administrator, college president,** 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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social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director **or any paid staff member** of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law**, such paid staff members shall include, but not be limited to, any individuals who may interact with children through employment at such camps or employment at premises where such camps are located**; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; employees, who are expected to have regular and substantial contact with children, of a health home or health home care management agency contracting with a health home as designated by the department of health and authorized under section three hundred sixty-five-l of this chapter or such employees who provide home and community based services under a demonstration program pursuant to section eleven hundred fifteen of the federal social security act who are expected to have regular and substantial contact with children; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

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

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

§ 3. This act shall take effect on the one hundred twentieth 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 on or before such date.