STATE OF NEW YORK

2186--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- 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 requiring children enrolled in an overnight, children's non-regulated, summer day, or travelling camp to be vaccinated

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

Section 1. Section 1394 of the public health law is amended by adding two new subdivisions 6-a and 6-b to read as follows:

6-a. Each children's overnight, summer day, and travelling summer day camp shall ensure that every child enrolled at such camp has been administered an adequate dose or doses of an immunizing agent against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, Haemophilus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, and hepatitis B, which meets the standards approved by the United States public health service for such biological products, and which is approved by the department under such conditions as may be specified by the public health council. If any health practitioner, as defined in section twenty-one hundred sixty-four of this chapter, certifies that such immunization may be detrimental to a child's health, the requirements of this subdivision shall be inapplicable until such immunization is found no longer to be detrimental to such child's health. The commissioner shall promulgate such rules and regulations as shall be necessary to implement the provisions of this subdivision.

6-b. Staff at all children's camps defined in section thirteen hundred ninety-two of this article shall provide a camp operator with a current certificate of immunization history for diphtheria, measles, meningococcal meningitis, mumps, pertussis, rubella, tetanus, and varicella. If any health practitioner, as defined in section twenty-one hundred

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

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sixty-four of this chapter, certifies that such immunizations are detrimental to the individual's health, the requirements of this subdivision shall be inapplicable until such immunization is found no longer to be detrimental to such individual's health. The commissioner shall promulgate such rules and regulations as shall be necessary to implement the provisions of this subdivision.

§ 2. Section 398-f of the general business law is amended by adding two new subdivisions 4 and 5 to read as follows:

4. Notwithstanding any other provision of this section relating to department of health regulations, every children's non-regulated camp shall ensure that every child enrolled at such camp has been administered an adequate dose or doses of an immunizing agent against poliomyelitis, mumps, measles, diphtheria, rubella, varicella, Haemophilus influenzae type b (Hib), pertussis, tetanus, pneumococcal disease, and hepatitis B, which meets the standards approved by the United States public health service for such biological products, and which is approved by the department of health under such conditions as may be specified by the public health and health planning council. If any health practitioner, as defined in section twenty-one hundred sixty-four of the public health law, certifies that such immunization may be detrimental to a child's health, the requirements of this subdivision shall be inapplicable until such immunization is found no longer to be detrimental to such child's health. The commissioner of health shall promulgate such rules and regulations as shall be necessary to implement the provisions of this subdivision.

5. Staff at all children's non-regulated camps shall provide a camp operator with a current certificate of immunization history for diphtheria, measles, meningococcal meningitis, mumps, pertussis, rubella, tetanus, and varicella. If any health practitioner, as defined in section twenty-one hundred sixty-four of the public health law, certifies that such immunizations are detrimental to the individual's health, the requirements of this subdivision shall be inapplicable until such immunization is found no longer to be detrimental to such individual's health. The commissioner of health shall promulgate such rules and regulations as shall be necessary to implement the provisions of this subdivision.

§ 3. Paragraph (a) of subdivision 2 of section 398-f of the general business law, as amended by chapter 248 of the laws of 2022, 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:

"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,~~] regarding maintaining minimum staff-to-child ratios; hiring medical personnel; or reporting injuries or illnesses to the Department of Health."

§ 4. Paragraph (a) of subdivision 2 of section 398-f of the general business law, as amended by chapter 63 of the laws of 2024, 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 such non-regulated camp has registered with the department of health, in a form and manner prescribed by the department of health, on an annual

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

"This camp is registered with but 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,~~] **regarding** maintaining minimum staff-to-child ratios; hiring medical personnel; or reporting injuries or illnesses to the Department of Health."

§ 5. This act shall take effect on the first of October next succeeding the date on which it shall have become a law; provided, however, that section four of this act shall take effect on the same date and in the same manner as section 4 of chapter 62 of the laws of 2024 takes effect.