

# STATE OF NEW YORK

8966

## IN ASSEMBLY

January 31, 2024

Introduced by M. of A. ALVAREZ -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to inspections of child day care homes, programs and facilities, and opioid overdose prevention

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

1 Section 1. Subparagraph (iv) of paragraph (d) of subdivision 2, paragraph (a) of subdivision 2-a, subparagraph (i) of paragraph (c) of subdivision 3, subdivision 6 and paragraph (a) of subdivision 7 of section 390 of the social services law, subparagraph (iv) of paragraph (d) of subdivision 2 and subdivision 6 as added by chapter 750 of the laws of 1990, subdivision 2-a as added and subparagraph (i) of paragraph (c) of subdivision 3 as amended by chapter 416 of the laws of 2000, and paragraph (a) of subdivision 7 as amended by chapter 160 of the laws of 2003, are amended to read as follows:

2 (iv) (A) Child day care providers who have been issued a license shall openly display such license in the facility or home for which the license is issued. Child day care providers who have registered with the department shall provide proof of registration upon request.

3 (B) Home based child day care providers who have been issued a license shall additionally openly display the number of household members living in the home and update when there is any change in household. Child day care providers must disclose the most recently updated information immediately upon request to an inspector, parent, legal guardian, or relative within the third degree of consanguinity of the parent of such child.

4 (a) The office of children and family services shall promulgate regulations which establish minimum quality program requirements for licensed and registered child day care homes, programs and facilities. Such requirements shall include but not be limited to (i) the need for age appropriate activities, materials and equipment to promote cognitive, educational, social, cultural, physical, emotional, language and recreational development of children in care in a safe, healthy and caring environment (ii) principles of childhood development (iii) appropriate staff/child ratios for family day care homes, group family day care homes, school age day care programs and day care centers, provided

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

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1 however that such staff/child ratios shall not be less stringent than  
2 applicable staff/child ratios as set forth in part four hundred four-  
3 teen, four hundred sixteen, four hundred seventeen or four hundred eigh-  
4 teen of title eighteen of the New York code of rules and regulations as  
5 of January first, two thousand (iv) appropriate levels of supervision of  
6 children in care (v) minimum standards for sanitation, health, infection  
7 control, nutrition, buildings and equipment, safety, security proce-  
8 dures, first aid, fire prevention, fire safety, evacuation plans and  
9 drills, prevention of child abuse and maltreatment, staff qualifications  
10 and training, record keeping, and child behavior management (vi) educa-  
11 tion on overdose prevention.

12 (i) The office of children and family services shall establish a toll-  
13 free statewide telephone number and electronic mail to receive inquiries  
14 about child day care homes, programs and facilities and complaints of  
15 violations of the requirements of this section or regulations promulgat-  
16 ed under this section. The office of children and family services shall  
17 develop a system for investigation, which shall include inspection, of  
18 such complaints. The office of children and family services may provide  
19 for such investigations through purchase of services. The office of  
20 children and family services shall develop a process for publicizing  
21 such toll-free telephone number and electronic mail to the public for  
22 making inquiries or complaints about child day care homes, programs or  
23 facilities. A child day care provider shall be required to display such  
24 toll free telephone number and electronic mail alongside their license.

25 6. Unless otherwise limited by law, a parent with legal custody or a  
26 legal guardian of any child in a child day care program shall have  
27 unlimited and on demand access to such child or ward. Such parent or  
28 guardian unless otherwise limited by law, also shall have the right to  
29 inspect on demand during its hours of operation any area of a child day  
30 care center, group family day care home, school-age child care program,  
31 or family day care home to which the child or ward of such parent or  
32 guardian has access or which could present a hazard to the health and  
33 safety of the child or ward. Such right to inspect shall be posted  
34 alongside the child day care provider's license.

35 (a) The department shall implement on a statewide basis programs to  
36 educate parents and other potential consumers of child day care programs  
37 about their selection and use. The department may provide for such  
38 implementation through the purchase of services. Such education shall  
39 include, but not be limited to, the following topics:

- 40 (i) types of child day care programs;  
41 (ii) factors to be considered in selecting and evaluating child day  
42 care programs;  
43 (iii) regulations of the department governing the operation of differ-  
44 ent types of programs;  
45 (iv) rights of parents or guardians in relation to access to children  
46 and inspection of child day care programs;  
47 (v) information concerning the availability of child day care subsi-  
48 dies;  
49 (vi) information about licensing and registration requirements;  
50 (vii) prevention of child abuse and maltreatment in child day care  
51 programs, including screening of child day care providers and employees;  
52 (viii) tax information; ~~and~~  
53 (ix) factors to be considered in selecting and evaluating child day  
54 care programs when a child needs administration of medications during  
55 the time enrolled[-]; and

1 (x) all information required to be displayed or posted by a child day  
2 care provider.

3 § 2. Section 390 of the social services law is amended by adding a  
4 new subdivision 15 to read as follows:

5 15. All inspections of the premises of any child day care provider  
6 pursuant to the provisions of this section shall include only a visual  
7 inspection of every room and closet in the home or facility.

8 § 3. Subdivision 1 of section 390-a of the social services law, as  
9 amended by chapter 416 of the laws of 2000, is amended and a new subdi-  
10 vision 6 is added to read as follows:

11 1. All office of children and family services and municipal staff  
12 employed to accept registrations, issue licenses or conduct inspections  
13 of child day care homes, programs or facilities, subject to the amounts  
14 appropriated therefor, shall receive training in at least the following:  
15 regulations promulgated by the office of children and family services  
16 pursuant to section three hundred ninety of this title; child abuse  
17 prevention and identification; safety and security procedures in child  
18 day care settings; the principles of childhood development, [~~and~~]  
19 laws, regulations and procedures governing the protection of children  
20 from abuse or maltreatment, and the identification of illegal drugs and  
21 common paraphernalia.

22 6. (a) All providers of child day care shall provide and maintain  
23 onsite opioid antagonists, as defined in section thirty-three hundred  
24 nine of the public health law, in quantities and types deemed by the  
25 commissioner of health. Such opioid antagonists shall be accessible by  
26 every operator, program director, employee and assistant for use during  
27 emergencies to any individual on premises suspected of having an opioid  
28 overdose whether or not there is a previous history of opioid abuse.

29 (b) The office of children and family services, in consultation with  
30 the department of health and the office of addiction services and  
31 supports, shall provide child day care providers and a parent, legal  
32 guardian, or relative within the third degree of consanguinity of the  
33 parent of such child, information to obtain overdose prevention training  
34 and free opioid antagonists through existing programs or services.

35 (c) Any person or entity acting reasonably and in good faith in  
36 compliance with this subdivision shall not be subject to criminal, civil  
37 or administrative liability solely by reason of such action.

38 § 4. Subparagraphs (ix) and (x) of paragraph (b) of subdivision 3 of  
39 section 390-a of the social services law, subparagraph (ix) as amended  
40 and subparagraph (x) as added by chapter 675 of the laws of 2019, are  
41 amended and a new subparagraph (xi) is added to read as follows:

42 (ix) for operators, program directors, employees and assistants of  
43 family day care homes, group family day care homes and child day care  
44 centers, education and information on the identification, diagnosis and  
45 prevention of shaken baby syndrome; [~~and~~]

46 (x) adverse childhood experiences (ACEs), focused on understanding  
47 trauma and on nurturing resiliency[~~+~~]; and

48 (xi) overdose prevention training pursuant to a program approved under  
49 section thirty-three hundred nine of the public health law.

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