# STATE OF NEW YORK

7815

2023-2024 Regular Sessions

# IN SENATE

December 13, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:**

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:

(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.

**(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.**

(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

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

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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 however that such staff/child ratios shall not be less stringent than applicable staff/child ratios as set forth in part four hundred fourteen, four hundred sixteen, four hundred seventeen or four hundred eighteen of title eighteen of the New York code of rules and regulations as of January first, two thousand (iv) appropriate levels of supervision of children in care (v) minimum standards for sanitation, health, infection control, nutrition, buildings and equipment, safety, security procedures, first aid, fire prevention, fire safety, evacuation plans and drills, prevention of child abuse and maltreatment, staff qualifications and training, record keeping, and child behavior management **(vi) education on overdose prevention**.

(i) The office of children and family services shall establish a toll-free statewide telephone number **and electronic mail** to receive inquiries about child day care homes, programs and facilities and complaints of violations of the requirements of this section or regulations promulgated under this section. The office of children and family services shall develop a system for investigation, which shall include inspection, of such complaints. The office of children and family services may provide for such investigations through purchase of services. The office of children and family services shall develop a process for publicizing such toll-free telephone number **and electronic mail** to the public for making inquiries or complaints about child day care homes, programs or facilities. **A child day care provider shall be required to display such toll free telephone number and electronic mail alongside their license.**

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

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

(i) types of child day care programs;

(ii) factors to be considered in selecting and evaluating child day care programs;

(iii) regulations of the department governing the operation of different types of programs;

(iv) rights of parents or guardians in relation to access to children and inspection of child day care programs;

(v) information concerning the availability of child day care subsidies;

(vi) information about licensing and registration requirements;

(vii) prevention of child abuse and maltreatment in child day care programs, including screening of child day care providers and employees;

(viii) tax information; [~~and~~]

(ix) factors to be considered in selecting and evaluating child day care programs when a child needs administration of medications during the time enrolled[~~.~~]**; and**

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

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

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

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

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

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

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

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

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

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

(x) adverse childhood experiences (ACEs), focused on understanding trauma and on nurturing resiliency[~~.~~]**; and**

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

§ 5. This act shall take effect on the ninetieth 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.