STATE OF NEW YORK

9075

IN SENATE

April 16, 2024

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to an exemption from state licensing for military child day care

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

Section 1. Subdivision 14 of section 390 of the social services law is renumbered subdivision 15 and a new subdivision 14 is added to read as follows:

14. (a) The licensing and registration provisions of this section shall not apply to a child day care home facility that:

(i) (A) serves only dependent children of military personnel; and

(B) is located on a military base or federal property; or

(ii) is certified as a child development program by a branch of the United States Department of Defense or the United States Coast Guard.

(b) The United States Department of Defense or the United States Coast Guard, or their agents, including an installation commander of a military base on which a child day care facility is located, may assume responsibility for approving or determining which children may be served by child day care facilities that are exempted by this subdivision.

(c) This subdivision does not supersede:

(i) any right or power of the department of health or any local health officer;

(ii) any right or power of the department of education;

(iii) any building code or zoning provision;

(iv) any right or power of the administration within the department or any local social services office; or

(v) any right or power of the department to otherwise regulate residential child care facilities.

(d) Notwithstanding any other provision of law, if a child care facility for school age children is operated before and after school hours in a building which is in use as a public or private school, the school age child care center:

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

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(i) shall meet local fire, health, and zoning codes required of school buildings; and

(ii) may not be required to meet any additional regulations relative to the physical plant beyond those imposed by the county in which the building is located or the local board of education with respect to such building.

§ 2. This act shall take effect immediately.