

# STATE OF NEW YORK

6568--B

2025-2026 Regular Sessions

## IN ASSEMBLY

March 6, 2025

Introduced by M. of A. BARRETT, BEEPHAN, LUNSFORD -- read once and referred to the Committee on Economic Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Economic Development 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 general business law, in relation to requiring mandatory background checks for persons employed by certain businesses serving minors and prohibiting certain persons from owning such businesses

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

1 Section 1. The general business law is amended by adding a new section  
2 398-h to read as follows:

3 § 398-h. Background check requirements for youth service providers. 1.  
4 As used in this section:

5 (a) (i) "Youth service provider" means any business corporation, not-  
6 for-profit corporation, limited liability company, or limited partner-  
7 ship that regularly provide instructional, recreational or extracurric-  
8 ular services to minors, including but not limited to:

9 (A) dance, gymnastics, music, or performing arts studios or schools;

10 (B) martial arts academies;

11 (C) sports training facilities; or

12 (D) tutoring or academic enrichment centers.

13 (ii) "Youth service provider facility" shall not include any public or  
14 private school subject to the provisions of the education law or any day  
15 care center subject to the provisions of article six of the social  
16 services law.

17 (b) "Covered person" means an operator, employee, regular volunteer,  
18 or independent contractor that is eighteen years of age or older, who

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

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1 has direct responsibility for the supervision, instruction, care, or  
2 safety of minors and has contact with minors through a youth service  
3 provider facility.

4 (c) "Minor child" or "minor" means a child under the age of eighteen  
5 years.

6 (d) "Regular volunteer" means a volunteer who is eighteen years of age  
7 or older and who has direct responsibility for the supervision, instruc-  
8 tion, care, or safety of minors through a youth service provider for  
9 more than sixteen hours per month or thirty-two hours per year.

10 2. Notwithstanding any other provision of law to the contrary, and  
11 subject to rules and regulations of the division of criminal justice  
12 services, the following background checks shall be conducted by youth  
13 service providers for covered persons at the time and in the manner  
14 required by this section:

15 (a) a search of the New York state sex offender registry;

16 (b) a search of any state sex offender registry or repository in each  
17 state other than New York where such person resides or resided during  
18 the preceding five years, if applicable unless such state's sex offender  
19 registry information will be provided as part of the clearance conducted  
20 pursuant to paragraph (c) of this subdivision; and

21 (c) a search of the United States department of justice national sex  
22 offender public website.

23 3. A covered person must undergo a background check as described in  
24 subdivision two of this section:

25 (a) after a job offer but prior to commencement of employment by a  
26 youth service provider;

27 (b) before regularly volunteering at, being contracted by, or operat-  
28 ing a youth service provider; and

29 (c) at least once every five years during such employment, regularly  
30 volunteering, contracting, or operating at the youth service provider  
31 facility.

32 4. Notwithstanding any other provision of law to the contrary, a  
33 covered person shall be deemed disqualified from employment, regularly  
34 volunteering, or contracting at a youth service provider facility if  
35 such person, either prior to the commencement or during employment,  
36 regularly volunteering, or contracting:

37 (a) refuses to consent to the background check described in subdivi-  
38 sion two of this section;

39 (b) knowingly makes a materially false statement in connection with  
40 such background check; or

41 (c) is registered, or is required to be registered, on a state sex  
42 offender registry or repository or the United States department of  
43 justice national sex offender registry.

44 5. No person who is registered, or is required to be registered, on a  
45 sex offender registry pursuant to paragraph (c) of subdivision four of  
46 this section shall own or operate a youth service provider facility. For  
47 purposes of this subdivision, ownership shall mean having a controlling  
48 interest in the youth service provider facility.

49 6. The provisions of this section shall not apply to any person  
50 rendering emergency services at the youth service provider facility.

51 7. Upon the request of any covered person denied or disqualified from  
52 employment, contract, volunteer position, or operator position under  
53 subdivision two, three or four of this section, the youth service  
54 provider shall provide, within thirty days of such request, a written  
55 statement setting forth the reasons for such denial or disqualification.  
56 Any such covered person denied or disqualified from employment,

1 contract, volunteer position, or operator position pursuant to subdivi-  
2 sion two, three or four of this section shall be afforded the opportu-  
3 nities for enforcement available pursuant to section seven hundred  
4 fifty-five of the correction law.

5 8. (a) Whenever there shall be a violation of any provision of this  
6 section, an application may be made by the attorney general in the name  
7 of the people of the state of New York to a court or justice having  
8 jurisdiction by a special proceeding to issue an injunction, and upon  
9 notice to the respondent of not less than five days, to enjoin and  
10 restrain the continuance of such violations; and if it shall appear to  
11 the satisfaction of the court or justice that the respondent has, in  
12 fact, violated any provision of this section, an injunction may be  
13 issued by such court or justice, enjoining and restraining any further  
14 violation, without requiring proof that any person has, in fact, been  
15 injured or damaged thereby. Whenever the court shall determine that a  
16 violation of any provision of this section has occurred, the court may  
17 impose a civil penalty of not more than ten thousand dollars for each  
18 violation. In connection with any such application, the attorney general  
19 is authorized to take proof and make a determination of the relevant  
20 facts and to issue subpoenas in accordance with the civil practice law  
21 and rules.

22 (b) A youth service provider or owner that fails to comply with the  
23 background check requirements of this section or knowingly employs or  
24 contracts with an individual or regular volunteer disqualified under  
25 subdivision four of this section may be subject to suspension or revo-  
26 cation of any license or permit to operate the youth service provider  
27 facility where the violation occurred.

28 § 2. The division of criminal justice services shall promulgate and  
29 enforce any rules and regulations necessary for the implementation of  
30 this act.

31 § 3. Severability. If any clause, sentence, paragraph, subdivision,  
32 section or part of this act shall be adjudged by any court of competent  
33 jurisdiction to be invalid, such judgment shall not affect, impair, or  
34 invalidate the remainder thereof, but shall be confined in its operation  
35 to the clause, sentence, paragraph, subdivision, section or part thereof  
36 directly involved in the controversy in which such judgment shall have  
37 been rendered. It is hereby declared to be the intent of the legislature  
38 that this act would have been enacted even if such invalid provisions  
39 had not been included herein.

40 § 4. This act shall take effect on the one hundred eightieth day after  
41 it shall have become a law. Effective immediately, the addition, amend-  
42 ment and/or repeal of any rule or regulation necessary for the implemen-  
43 tation of this act on its effective date are authorized to be made and  
44 completed on or before such effective date.