

STATE OF NEW YORK

10320

IN SENATE

May 13, 2026

Introduced by Sen. FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, the executive law and the public health law, in relation to establishing a portable clearance passport program to satisfy certain background checks

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

1 Section 1. The social services law is amended by adding a new article
2 11-A to read as follows:

ARTICLE 11-A

PORTABLE CLEARANCE PASSPORT

Section 500. Definitions.

6 501. Portable clearance passport program.

7 502. Acceptance of portable clearance passport.

8 503. Information systems; confidentiality.

9 504. Duration; renewal; revocation.

10 505. Rules and regulations.

11 § 500. Definitions. As used in this article, the following terms shall
12 have the following meanings:

13 1. "Portable clearance passport" or "passport" shall mean a credential
14 issued by the commissioner verifying that an individual has satisfied
15 applicable background check requirements for employment by covered
16 providers.

17 2. "Participating agency" shall mean the justice center for the
18 protection of people with special needs, the office of children and
19 family services, the department of health, the office of mental health,
20 the office for people with developmental disabilities, the state educa-
21 tion department, or any other agency designated by the commissioner.

22 3. "Covered provider" shall mean any provider licensed, certified,
23 operated, or otherwise regulated by a participating agency that requires
24 background checks for employees or prospective employees.

25 4. "Commissioner" shall mean the commissioner of the office of chil-
26 dren and family services, in consultation with participating agencies.

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

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1 § 501. Portable clearance passport program. 1. The commissioner shall
2 establish a portable clearance passport program.

3 2. The program established under subdivision one of this section
4 shall:

5 (a) provide for a uniform process for conducting background checks
6 applicable to participating agencies;

7 (b) provide for the issuance of a portable clearance passport to any
8 individual who has satisfied the requirements of background checks
9 conducted in accordance with paragraph (a) of this subdivision; and

10 (c) ensure that passports are able to be used by covered providers to
11 verify eligibility for employment.

12 § 502. Acceptance of portable clearance passport. 1. Notwithstanding
13 any other provision of law, a participating agency and any covered
14 provider shall accept a valid portable clearance passport in lieu of
15 duplicative background check requirements.

16 2. Nothing in this article shall be construed to prohibit a partic-
17 ipating agency from requiring additional screening where:

18 (a) required by federal law; or

19 (b) a participating agency determines that additional information is
20 necessary to protect the health or safety of individuals receiving
21 services under this chapter.

22 § 503. Information systems; confidentiality. 1. The commissioner shall
23 establish or designate a secure electronic system for the purpose of
24 maintaining and verifying portable clearance passports.

25 2. The system established under subdivision one of this section shall:

26 (a) permit authorized covered providers to verify the status of a
27 passport;

28 (b) provide individuals access to their own background records; and

29 (c) ensure the confidentiality and security of all information in
30 accordance with applicable law.

31 § 504. Duration; renewal; revocation. 1. A portable clearance passport
32 shall be valid for a period to be determined by the commissioner, not to
33 exceed five years.

34 2. The commissioner shall promulgate regulations establishing proce-
35 dures for renewal, suspension and revocation of passports.

36 § 505. Rules and regulations. The commissioner, in consultation with
37 participating agencies, shall promulgate any rules and regulations
38 necessary to implement the provisions of this article.

39 § 2. Subdivision 5 of section 553 of the executive law, as added by
40 section 3 of part A of chapter 501 of the laws of 2012, is amended to
41 read as follows:

42 5. To review and evaluate the criminal history information for any
43 person applying to be an employee, volunteer or consultant for whom a
44 criminal background check is required by law as a condition of employ-
45 ment at any facilities or provider agencies as defined in subdivision
46 four of section four hundred eighty-eight of the social services law
47 that are operated, licensed or certified by the office of mental health,
48 the office for people with developmental disabilities and the office of
49 children and family services[~~such~~]; provided that such review and
50 evaluation shall include but not be limited to a requirement that the
51 applicant sign a sworn statement whether, to the best of [~~his or her~~]
52 such applicant's knowledge, [~~he or she~~] such applicant has ever been
53 convicted of a crime in this state or any other jurisdiction; and
54 provided, further, that the justice center shall accept a valid portable
55 clearance passport issued pursuant to article eleven-A of the social
56 services law as satisfying any background check requirements under this

1 subdivision, subject to section five hundred two of the social services
2 law;

3 § 3. The public health law is amended by adding a new section 2899-b
4 to read as follows:

5 § 2899-b. Portable clearance passport. The department shall accept a
6 valid portable clearance passport issued pursuant to article eleven-A of
7 the social services law as satisfying background check requirements for
8 prospective employees, except where additional screening is required by
9 federal law.

10 § 4. This act shall take effect immediately.