STATE OF NEW YORK

6009--A

Cal. No. 180

2025-2026 Regular Sessions

IN SENATE

March 4, 2025

Introduced by Sen. BASKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general municipal law, the penal law, the arts and cultural affairs law and the volunteer firefighters' benefit law, in relation to participants in youth programs sponsored by fire departments

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

Section 1. Subdivisions 1, 2, 5 and 7 of section 204-b of the general municipal law, as added by chapter 386 of the laws of 1978, are amended to read as follows:

1. Volunteer fire departments and fire companies may establish, operate and maintain youth programs to provide participants with the opportunity to become familiar with the **training,** programs and operations of fire departments, to provide programs in community fire safety, fire prevention, and public fire prevention education, and to curtail false fire alarms by developing community wide respect for the fire service.

2. Volunteer fire departments and fire companies shall establish rules and regulations governing youth programs established pursuant to subdivision one hereof, which shall include the minimum and maximum age for participation, the procedure for participation, removal or expulsion, residence, and provision for adequate supervision of such programs. **Volunteer fire departments and fire companies shall also establish written safety or training procedures for every youth program established pursuant to subdivision one of this section, which shall include, but not be limited to, the prohibitions and guidelines set forth in subdivisions five and seven of this section.**

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

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5. All activities of participants in such program shall be approved in advance by the chief, or [~~his~~] the chief's designee. [~~No activities may include emergency duties in connection with fire department or fire company operations or any other hazardous activity.~~] Participants may respond to an emergency or hazardous activity, but shall remain in an appropriate and safe designated area that has been established by the chief or officer in charge. The chief or officer in charge shall determine if any such participant is allowed to respond to an emergency in a vehicle using lights and/or sirens. Furthermore, such participants shall not enter a burning structure nor shall participants in a youth program pursuant to this section fall under the definition of active volunteer firefighter as defined in section three of the volunteer firefighters' benefit law. Provided, further, a volunteer fire department or fire company shall not allow participants in such program to take part in any activity set forth in subdivision two of section one hundred thirty-three of the labor law.

7. Volunteer fire departments and fire companies may purchase accident insurance to insure participants in such programs against injury or death resulting from bodily injuries sustained in performance of approved activities. In addition, they may purchase insurance to protect against liability arising from approved activities. The insurance purchased pursuant to this subdivision may include medical and hospital coverage. A volunteer fire department or fire company shall not allow participants in such program to ride in any vehicle owned or operated by such volunteer fire department or fire company, unless such volunteer fire department or fire company has purchased insurance protecting against liability that could arise from such participant being injured in an accident while riding in such vehicle.

§ 2. Section 260.10 of the penal law, as amended by chapter 447 of the laws of 2010, is amended to read as follows:

§ 260.10 Endangering the welfare of a child.

1. A person is guilty of endangering the welfare of a child when:

[~~1. He or she~~] (a) Such person knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to [~~his or her~~] such child's life or health; or

[~~2.~~] (b) Being a parent, guardian or other person legally charged with the care or custody of a child less than eighteen years old, [~~he or she~~] such person fails or refuses to exercise reasonable diligence in the control of such child to prevent [~~him or her~~] such child from becoming an "abused child," a "neglected child," a "juvenile delinquent" or a "person in need of supervision," as those terms are defined in articles ten, three and seven of the family court act.

[~~3.~~] 2. A person is not guilty of the provisions of this section when [~~he or she~~] such person engages in the conduct described in subdivision one of section 260.00 of this article: (a) with the intent to wholly abandon the child by relinquishing responsibility for and right to the care and custody of such child; (b) with the intent that the child be safe from physical injury and cared for in an appropriate manner; (c) the child is left with an appropriate person, or in a suitable location and the person who leaves the child promptly notifies an appropriate person of the child's location; and (d) the child is not more than thirty days old.

3. A volunteer fire department or fire company or a member thereof shall not be guilty of a violation of this section for engaging in

actions authorized under section two hundred four-b of the general municipal law as part of a youth program.

Endangering the welfare of a child is a class A misdemeanor.

§ 3. Paragraph (e) of subdivision 1 of section 35.07 of the arts and cultural affairs law is amended to read as follows:

(e) In any practice or exhibition or place dangerous or injurious to the life, limb, health or morals of such child provided, however, that the provisions of this paragraph shall not apply to**: (i)** service as a member of a certified volunteer ambulance service under the supervision of an emergency medical technician as provided in article thirty of the public health law by youthful volunteers at least fifteen years of age who hold a current American Red Cross advanced first aid and emergency care card**; or (ii) participation in activities authorized under section two hundred four-b of the general municipal law as part of a youth program or as an active volunteer member of a fire department**.

§ 4. Paragraph n of subdivision 1 of section 5 of the volunteer firefighters' benefit law, as amended by chapter 161 of the laws of 1983, is amended to read as follows:

n. While, [~~within the state and~~] pursuant to orders or authorization, performing work or service [~~leading or directing~~] **involving** a youth program established pursuant to section two hundred four-b of the general municipal law, including necessary travel directly connected therewith, as well as necessary travel to and necessary travel returning from such activity. This paragraph shall not be interpreted as providing coverage for participants in such youth programs.

§ 5. This act shall take effect immediately.