STATE OF NEW YORK

11424

IN ASSEMBLY

May 15, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. McDonald) -- read once and referred to the Committee on Health

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:

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

ARTICLE 11-A

PORTABLE CLEARANCE PASSPORT

Section 500. Definitions.
501. Portable clearance passport program.
502. Acceptance of portable clearance passport.
503. Information systems; confidentiality.
504. Duration; renewal; revocation.
505. Rules and regulations.

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

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

2. "Participating agency" shall mean the justice center for the protection of people with special needs, the office of children and family services, the department of health, the office of mental health, the office for people with developmental disabilities, the state education department, or any other agency designated by the commissioner.

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

4. "Commissioner" shall mean the commissioner of the office of children 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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§ 501. Portable clearance passport program. 1. The commissioner shall establish a portable clearance passport program.

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

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

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

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

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

2. Nothing in this article shall be construed to prohibit a participating agency from requiring additional screening where:

(a) required by federal law; or

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

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

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

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

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

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

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

2. The commissioner shall promulgate regulations establishing procedures for renewal, suspension and revocation of passports.

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

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

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

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

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

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

§ 4. This act shall take effect immediately.