

STATE OF NEW YORK

11726

IN ASSEMBLY

September 16, 2026

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

AN ACT to amend the education law and the public health law, in relation to establishing standards governing children's exposure to amplified sound at schools, school-sponsored activities, after-school programs, and children's camps; and establishing the statewide hearing-health advisory committee; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "child hearing protection act".

3 § 2. The education law is amended by adding a new section 409-o to
4 read as follows:

5 § 409-o. Protection of children from excessive amplified sound. 1. For
6 purposes of this section:

7 (a) "Amplified sound" means sound produced, reproduced, or increased
8 through the use of electronic amplification equipment, including, but
9 not limited to, loudspeakers, public address systems, sound systems,
10 disc jockey equipment, musical amplification equipment, and similar
11 devices.

12 (b) "Covered activity" means any school assembly, performance, dance,
13 athletic or recreational activity, after-school program, school-spon-
14 sored event, or other activity involving children at which amplified
15 sound is used.

16 (c) "Sound exposure" means the level and duration of sound to which an
17 individual is exposed during a covered activity.

18 2. (a) The commissioner, in consultation with the commissioner of
19 health, shall promulgate rules and regulations establishing maximum
20 permissible sound-exposure standards for covered activities. Such rules
21 and regulations shall, include, but not be limited to:

22 (i) account for both the intensity and duration of sound exposure;

23 (ii) establish appropriate average and peak sound-level limits;

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

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1 (iii) establish appropriate locations and methods for measuring sound
2 levels;

3 (iv) provide additional protections where appropriate based upon the
4 age of the children, duration of exposure, and nature of the activity;
5 and

6 (v) be based upon generally accepted scientific and medical evidence
7 concerning the prevention of noise-induced hearing loss in children.

8 (b) In developing such standards, the commissioners shall review rele-
9 vant recommendations and guidance of recognized public-health and hear-
10 ing-health authorities, including the World Health Organization,
11 National Institute for Occupational Safety and Health, American Academy
12 of Pediatrics, and other appropriate professional organizations.

13 3. (a) Prior to promulgating or substantially revising the rules and
14 regulations pursuant to this section, the commissioner and commissioner
15 of health shall consult with qualified hearing-health professionals,
16 including, but not limited to, licensed audiologists with experience in
17 pediatric hearing health, physicians or other professionals specializing
18 in hearing conservation or noise-induced hearing loss, and such other
19 scientific or medical experts as the commissioners deem appropriate.

20 (b) Such consultation shall include consideration of current scientif-
21 ic evidence concerning safe sound-exposure levels for children, cumula-
22 tive exposure, peak sound levels, age-related susceptibility, and appro-
23 priate methods of monitoring amplified sound.

24 4. (a) Whenever amplified sound is used at a covered activity, the
25 school, school district, board of cooperative educational services,
26 charter school, nonpublic school, or other entity responsible for
27 conducting or sponsoring such activity shall ensure that sound levels
28 are monitored using equipment and procedures meeting standards estab-
29 lished by the commissioner.

30 (b) Monitoring shall occur at appropriate intervals throughout the
31 covered activity sufficient to determine compliance with the sound-expo-
32 sure standards established pursuant to this section.

33 5. (a) Where monitoring indicates that a permissible sound level or
34 exposure limit has been reached or exceeded, the person or entity
35 responsible for the activity shall immediately reduce the amplified
36 sound to a compliant level.

37 (b) Where compliance cannot be promptly achieved, the use of amplified
38 sound shall be suspended until compliance can be restored.

39 6. (a) Responsibility for compliance with this section shall rest with
40 the school, school district, board of cooperative educational services,
41 charter school, nonpublic school, or other organization sponsoring,
42 operating, or conducting the covered activity.

43 (b) The use of an outside disc jockey, band, entertainer, contractor,
44 vendor, or other third party shall not relieve the sponsoring or operat-
45 ing entity of its responsibility to comply with this section.

46 (c) Any agreement with a person or entity providing amplified sound at
47 a covered activity shall require compliance with the sound-exposure
48 standards established pursuant to this section.

49 7. (a) The commissioner shall establish a graduated enforcement proc-
50 ess for repeated or substantial violations of this section or regu-
51 lations promulgated pursuant thereto. Such process may include, but not
52 be limited to:

53 (i) written notice of noncompliance;

54 (ii) additional or enhanced sound-level monitoring;

55 (iii) submission and implementation of a corrective-action plan
56 designed to prevent future violations;

1 (iv) required training for employees, contractors, vendors, or other
2 persons responsible for operating amplified sound equipment;
3 (v) additional oversight or reporting requirements for an entity
4 demonstrating a pattern of noncompliance; and
5 (vi) where repeated or substantial violations continue after notice
6 and an opportunity to correct such violations, an appropriate civil
7 penalty as established by regulation.

8 (b) In establishing such enforcement procedures, the commissioner
9 shall distinguish between an isolated or inadvertent exceedance that is
10 immediately corrected and repeated, knowing, substantial, or continuing
11 noncompliance.

12 8. Entities subject to this section shall maintain records of sound-
13 level monitoring, exceedances, corrective actions, and such other infor-
14 mation as the commissioner may require for a period established by regu-
15 lation.

16 § 3. The public health law is amended by adding a new section 1394-e
17 to read as follows:

18 § 1394-e. Protection of children from excessive amplified sound. 1.
19 For the purposes of this section, the following terms shall have the
20 following meanings:

21 (a) "Amplified sound" means sound produced, reproduced, or increased
22 through the use of electronic amplification equipment, including, but
23 not limited to, loudspeakers, public address systems, sound systems,
24 disc jockey equipment, musical amplification equipment, and similar
25 devices.

26 (b) "Covered activity" means any children's overnight camp, summer day
27 camp, traveling summer day camp, assembly, performance, dance, athletic
28 or recreational activity, camp-sponsored event, or other activity
29 involving children at which amplified sound is used.

30 (c) "Sound exposure" means the level and duration of sound to which an
31 individual is exposed during a covered activity.

32 2. (a) The commissioner shall require amplified-sound protections at
33 children's overnight, summer, day, and other camps subject to rules and
34 regulations by the department.

35 (b) The commissioner shall establish standards governing amplified
36 sound used at dances, performances, assemblies, recreational activities,
37 special events, and other camp activities involving disc jockeys, bands,
38 entertainers, public address systems, loudspeakers, or other amplified
39 sound equipment. Such standards shall include, but not be limited to:

40 (i) accounting for both sound intensity and duration of exposure;

41 (ii) establishing appropriate average and peak A-weighted sound
42 limits;

43 (iii) requiring appropriate monitoring during covered activities;

44 (iv) requiring immediate reduction of amplified sound when an applica-
45 ble limit is reached or exceeded;

46 (v) requiring suspension of amplified sound where compliance cannot
47 promptly be restored;

48 (vi) placing responsibility for compliance upon the camp operator or
49 organization conducting or sponsoring the activity, regardless of wheth-
50 er amplified sound is provided by an outside contractor, entertainer,
51 disc jockey, band, or vendor;

52 (vii) establishing recordkeeping requirements;

53 (viii) providing for graduated corrective action for repeated or
54 substantial violations, including enhanced monitoring, corrective-action
55 plans, training, additional oversight, and, where appropriate, civil
56 penalties for continuing or repeated noncompliance; and

1 (ix) distinguishing between an isolated exceedance that is promptly
2 corrected and repeated, knowing, substantial, or continuing violations.

3 (c) In developing and periodically reviewing such standards, the
4 commissioner shall consult with qualified audiologists, including pedia-
5 trian audiologists, physicians, hearing-conservation specialists, and
6 other appropriate hearing-health professionals and shall consider
7 current scientific evidence and guidance concerning noise-induced hear-
8 ing loss in children. The commissioner shall also implement the rules
9 and regulations promulgated in consultation with the commissioner of
10 education pursuant to section four hundred nine-o of the education law.

11 § 4. Statewide hearing-health advisory committee. 1. The commissioner
12 of education and commissioner of health are authorized to convene an
13 advisory group of audiologists, pediatric hearing-health professionals,
14 physicians, educators, school administrators, camp operators, and other
15 appropriate experts to advise the departments regarding the development
16 and periodic review of sound-exposure standards established pursuant to
17 this act.

18 The advisory process shall consider, but not be limited to:

- 19 (a) scientifically supported maximum average and peak sound levels;
- 20 (b) the relationship between sound intensity and duration of exposure;
- 21 (c) cumulative exposure to amplified sound;
- 22 (d) appropriate standards for children of different ages;
- 23 (e) practical and reliable sound-monitoring methods;
- 24 (f) appropriate placement and calibration of sound-measuring equip-
25 ment; and
- 26 (g) emerging scientific research concerning noise-induced hearing
27 damage in children.

28 2. The committee established pursuant to subdivision one of this
29 section shall report to the commissioner of education and the commis-
30 sioner of health within 180 days of the effective date of this act.

31 § 5. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law; provided, however, that the provisions of
33 section four of this act shall expire and be deemed repealed one year
34 after it shall have become a law.