

# STATE OF NEW YORK

3899--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. ALVAREZ, O'PHARROW, COLTON -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to inspections of child day care homes, programs and facilities, and opioid overdose prevention

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

- 1 Section 1. Subparagraph (iv) of paragraph (d) of subdivision 2, para-  
2 graph (a) of subdivision 2-a, subparagraph (i) of paragraph (c) of  
3 subdivision 3, subdivision 6 and paragraph (a) of subdivision 7 of  
4 section 390 of the social services law, subparagraph (iv) of paragraph  
5 (d) of subdivision 2 and subdivision 6 as added by chapter 750 of the  
6 laws of 1990, paragraph (a) of subdivision 2-a as added and subparagraph  
7 (i) of paragraph (c) of subdivision 3 as amended by chapter 416 of the  
8 laws of 2000, and paragraph (a) of subdivision 7 as amended by chapter  
9 160 of the laws of 2003, are amended to read as follows:
- 10 (iv) (A) Child day care providers who have been issued a license shall  
11 openly display such license in the facility or home for which the  
12 license is issued. Child day care providers who have registered with the  
13 department shall provide proof of registration upon request.
- 14 (B) Home based child day care providers who have been issued a license  
15 shall additionally openly display, in a method and format determined by  
16 the office of children and family services, the number of household  
17 members living in the home and update when there is any change in house-  
18 hold. Child day care providers must disclose the most recently updated  
19 information immediately upon request to an inspector, parent, legal  
20 guardian, or relative within the third degree of consanguinity of the  
21 parent of such child.
- 22 (a) The office of children and family services shall promulgate regu-  
23 lations which establish minimum quality program requirements for  
24 licensed and registered child day care homes, programs and facilities.  
25 Such requirements shall include but not be limited to (i) the need for

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

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1 age appropriate activities, materials and equipment to promote cogni-  
2 tive, educational, social, cultural, physical, emotional, language and  
3 recreational development of children in care in a safe, healthy and  
4 caring environment (ii) principles of childhood development (iii) appro-  
5 priate staff/child ratios for family day care homes, group family day  
6 care homes, school age day care programs and day care centers, provided  
7 however that such staff/child ratios shall not be less stringent than  
8 applicable staff/child ratios as set forth in part four hundred four-  
9 teen, four hundred sixteen, four hundred seventeen or four hundred eigh-  
10 teen of title eighteen of the New York code of rules and regulations as  
11 of January first, two thousand (iv) appropriate levels of supervision of  
12 children in care (v) minimum standards for sanitation, health, infection  
13 control, nutrition, buildings and equipment, safety, security proce-  
14 dures, first aid, fire prevention, fire safety, evacuation plans and  
15 drills, prevention of child abuse and maltreatment, staff qualifications  
16 and training, record keeping, and child behavior management (vi) educa-  
17 tion on overdose prevention.

18 (i) The office of children and family services shall establish a toll-  
19 free statewide telephone number and electronic mail to receive inquiries  
20 about child day care homes, programs and facilities and complaints of  
21 violations of the requirements of this section or regulations promulgat-  
22 ed under this section. The office of children and family services shall  
23 develop a system for investigation, which shall include inspection, of  
24 such complaints. The office of children and family services may provide  
25 for such investigations through purchase of services. The office of  
26 children and family services shall develop a process for publicizing  
27 such toll-free telephone number and electronic mail to the public for  
28 making inquiries or complaints about child day care homes, programs or  
29 facilities. A child day care provider shall be required to display such  
30 toll free telephone number and electronic mail alongside their license  
31 in a method and format determined by the office of children and family  
32 services.

33 6. Unless otherwise limited by law, a parent with legal custody or a  
34 legal guardian of any child in a child day care program shall have  
35 unlimited and on demand access to such child or ward. Such parent or  
36 guardian unless otherwise limited by law, also shall have the right to  
37 inspect on demand during its hours of operation any area of a child day  
38 care center, group family day care home, school-age child care program,  
39 or family day care home to which the child or ward of such parent or  
40 guardian has access or which could present a hazard to the health and  
41 safety of the child or ward. Such right to inspect shall be posted  
42 alongside the child day care provider's license in a method and format  
43 determined by the office of children and family services.

44 (a) The department shall implement on a statewide basis programs to  
45 educate parents and other potential consumers of child day care programs  
46 about their selection and use. The department may provide for such  
47 implementation through the purchase of services. Such education shall  
48 include, but not be limited to, the following topics:

- 49 (i) types of child day care programs;  
50 (ii) factors to be considered in selecting and evaluating child day  
51 care programs;  
52 (iii) regulations of the department governing the operation of differ-  
53 ent types of programs;  
54 (iv) rights of parents or guardians in relation to access to children  
55 and inspection of child day care programs;

1 (v) information concerning the availability of child day care subsi-  
2 dies;

3 (vi) information about licensing and registration requirements;

4 (vii) prevention of child abuse and maltreatment in child day care  
5 programs, including screening of child day care providers and employees;

6 (viii) tax information; ~~and~~

7 (ix) factors to be considered in selecting and evaluating child day  
8 care programs when a child needs administration of medications during  
9 the time enrolled~~[-]~~; ~~and~~

10 (x) all information required to be displayed or posted by a child day  
11 care provider.

12 § 2. Section 390 of the social services law is amended by adding a  
13 new subdivision 15 to read as follows:

14 15. All inspections of the premises of any child day care provider  
15 pursuant to the provisions of this section shall include only a visual  
16 inspection of every room and closet in the home or facility.

17 § 3. Section 390-a of the social services law is amended by adding a  
18 new subdivision 6 to read as follows:

19 6. (a) All providers of child day care may provide and maintain onsite  
20 opioid antagonists, as defined in section thirty-three hundred nine of  
21 the public health law, in quantities and types deemed by the commission-  
22 er of health. Such opioid antagonists shall be out of reach from chil-  
23 dren and accessible by every operator, program director, employee and  
24 assistant for use during emergencies to any individual on premises  
25 suspected of having an opioid overdose whether or not there is a previ-  
26 ous history of opioid abuse.

27 (b) The office of children and family services, in consultation with  
28 the department of health and the office of addiction services and  
29 supports, shall provide child day care providers and a parent, legal  
30 guardian, or relative within the third degree of consanguinity of the  
31 parent of such child, information on how to obtain overdose prevention  
32 training and opioid antagonists. Such information shall only include  
33 free opioid antagonists at no cost through existing programs or  
34 services.

35 (c) Any person or entity acting reasonably and in good faith in  
36 compliance with this subdivision shall not be subject to criminal, civil  
37 or administrative liability solely by reason of such action.

38 § 4. Subparagraphs (ix) and (x) of paragraph (b) of subdivision 3 of  
39 section 390-a of the social services law, subparagraph (ix) as amended  
40 and subparagraph (x) as added by chapter 675 of the laws of 2019, are  
41 amended and a new subparagraph (xi) is added to read as follows:

42 (ix) for operators, program directors, employees and assistants of  
43 family day care homes, group family day care homes and child day care  
44 centers, education and information on the identification, diagnosis and  
45 prevention of shaken baby syndrome; ~~and~~

46 (x) adverse childhood experiences (ACEs), focused on understanding  
47 trauma and on nurturing resiliency~~[-]~~; ~~and~~

48 (xi) overdose prevention training pursuant to a program approved under  
49 section thirty-three hundred nine of the public health law.

50 § 5. This act shall take effect on the ninetieth day after it shall  
51 have become a law. Effective immediately, the addition, amendment and/or  
52 repeal of any rule or regulation necessary for the implementation of  
53 this act on its effective date are authorized to be made and completed  
54 on or before such effective date.