

Date of Hearing: April 17, 2018

ASSEMBLY COMMITTEE ON HEALTH
Jim Wood, Chair
AB 1964 (Maienschein) – As Amended April 3, 2018

SUBJECT: Organized camps.

SUMMARY: Revises the definition of "organized camp" to include both organized resident camps and organized day camps and establishes definitions and requirements for these camps, as specified. Specifically, **this bill:**

- 1) Defines "organized camp" as an organized resident camp or an organized day camp that operates primarily outdoors to provide group-based recreation and expanded learning opportunities with social, spiritual, educational, or recreational activities that promote environmental awareness, well-being, and appreciation of the outdoors for children under 18 years of age or adults with activity limitations or participation restrictions.
- 2) Requires a group that leases an organized camp site for the purpose of conducting a camp to comply with the provisions of this bill.
- 3) Excludes the following from the definition of organized camp:
 - a) A hotel, motel, tourist camp, trailer park, resort, hunting camp, or auto court;
 - b) A labor camp, penal or correction camp, drug and alcohol resident rehabilitation program, a facility licensed by the state, or a facility subject to occupancy taxes, home-finding agencies, or a licensed child day care facility;
 - c) A charitable or recreational organization that complies with the rule and regulations for recreational trailer parks;
 - d) Sites or programs that are used by adults or groups for counseling, religious retreats, reunions, conferences, and special events of less than four consecutive stays; and,
 - e) Programs offered by cities, counties, or special districts.
- 4) Defines "organized resident camp" as a site or sites with programs and facilities established for the primary purposes of providing group living experiences and that provides three or more consecutive overnight stays during one or more seasons of the year.
- 5) Defines "organized day camp" as a program that is established for the primary purpose of providing group experiences for children under 18 years of age during the day, on days when school is regularly not in session, for a minimum of four hours per day on three or more consecutive days.
- 6) Permits an organized day camp to, at minimum, do the following:
 - a) Transport campers to parks, beaches, campsites, and other locations for activities; and,

- b) Provide for offsite field trips for no more than three consecutive days. Specifies that any organized day camp that provides offsite field trips for more than two consecutive nights shall be considered an organized resident camp.
- 7) Requires an organized day camp to have adequate staff to carry out the program, including, but not limited to, a qualified program director who has at least two seasons of administrative or supervisory experience at an organized day camp or a youth program. Requires the program director or his or her designee to be present at all times during the operation of the organized day camp.
 - 8) Establishes a "Tier 1 organized day camp" as an organized day camp which offers any of the following:
 - a) Multiple programs;
 - b) Single-focus programs involving any of the following: firearms, challenge courses, recreational water, archery, all-terrain vehicles, go-karts, power tools, model rocketry, use of fire or heat-producing equipment, or other like activities, as determined by the local enforcement agency; and,
 - c) Food service provided by a food facility subject to the California Retail Food Code.
 - 9) Establishes a "Tier 2 organized day camp" as an organized day camp which offers a single-focus program that is not listed in 8) b) above and offers no food service.
 - 10) Defines "camper" as any person in an organized camp on a fee or non-fee basis who is a participant in the regular program, activities, and education of an organized camp including hiking, biking, crafts, environmental education, and other like activities.
 - 11) Defines "Food service" as either on-site food preparation or distribution of nonprepackaged, potentially hazardous food.
 - 12) Requires an organized day camp or an organized resident camp to do all of the following:
 - a) Issue a written notice of intent to operate and develop and submit a written operating plan, or written verification that the camp is accredited by the American Camp Association (ACA), to the local enforcement agency at least 45 days prior to commencing operation of the camp;
 - b) Develop and submit an annual notice of intention pursuant to existing regulations;
 - c) Store all firearms, including rifles, pellet guns, air guns, and bows and arrows, in a locked cabinet designated for this use when those items are not in use for authorized camp activities. Requires the director, or a qualified designee of the director, of the organized camp to maintain possession of the key to this cabinet;
 - d) Obtain a permit or registration and post a copy of the permit or registration on the premises of the organized day camp or organized resident camp and, if applicable, on the Internet Web site of the organized day camp or organized resident camp;

- e) Provide verification, either from the organization hiring the director of the organized day camp or organized resident camp or the local enforcement agency, of the director's criminal history record check, as required by regulation;
 - f) In the case of an organized resident camp, install a carbon monoxide detector in any building intended for human occupancy that has a fossil fuel burning heater or appliance, a fireplace, or an attached garage;
 - g) In the case of an organized day camp that does not have a fixed location, obtain a permit, registration, or authorization from the local enforcement agency for the location in which the program begins; and,
 - h) Meet the applicable requirements of existing regulations.
- 13) Requires the local enforcement agency to acknowledge receipt of the operating plan or verification of accreditation as required by this bill within 30 business days of receiving the operating plan or verification of accreditation;
- 14) Requires the local enforcement agency to issue to a Tier 1 organized day camp or an organized resident camp to issue a permit to operate if both of the following conditions are met:
- a) The written operating plan required in this paragraph includes appropriate health and sanitation standards or accreditation by the American Camp Association (ACA) is verified; and,
 - b) In the case of a tier 1 organized day camp or an organized resident camp, the local enforcement agency has conducted an initial inspection of the premises of the tier 1 organized day camp or organized resident camp to verify compliance with the appropriate health and sanitation standards.
- 15) Requires the local enforcement agency to issue a registration to operate a tier 2 organized day camp if the tier 2 organized day camp satisfies the requirements of this bill.
- 16) Allows a local enforcement agency to require a tier 2 organized day camp to be subject to an initial or routine inspection.
- 17) Allows the local enforcement agency to inspect a tier 1 organized day camp or organized resident camp and charge a fee for that purpose, not to exceed the reasonable cost of the inspection.
- 18) Requires the local enforcement agency to provide, within 14 days, a summary of any violations of health and safety standards established in the rules and regulations establishing minimum standards for organized camps.
- 19) Permits an organized day camp or organized resident camp that has been cited for failing to meet legal requirements to appeal the citation to the local health agency.
- 20) Requires the local health agency to issue a decision on that appeal within 30 business days and that deems that decision final.

- 21) Permits the local enforcement agency to, during the organized camp's hours of operation or at other reasonable times, enter and inspect the premises of the organized camp, issue citations, and secure any samples, photographs, or other evidence from an organized camp or any facility suspected of being an organized camp.
- 22) Permits a person alleging health and sanitation violations pursuant to the regulations establishing minimum standards for organized camps to file a complaint, either orally or in writing, with the local enforcement agency.
- 23) Requires the local enforcement agency to investigate any complaint received.
- 24) Permits the local enforcement agency to charge a fee to recover any necessary costs incurred in administering the provisions of this part relating to organized camp oversight. Prohibits the fee from exceeding a reasonable cost of organized camp oversight and related activities.
- 25) Requires the Department of Public Health (DPH), in adopting or amending the rules and regulations pertaining to organized day camps and organized resident camps under this part, to make reasonable efforts to obtain the input and advice of organizations in the field. Requires all costs incurred by the participating organizations to be borne by the organizations themselves. Requires DPH to implement this section in the most cost-effective manner deemed feasible.

EXISTING LAW:

- 1) Requires the State Public Health Officer to establish rules and regulations for organized camps.
- 2) Establishes requirements for the operation, regulation and enforcement of organized camps.
- 3) Defines an organized camp as a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five or more days during one or more seasons of the year.
- 4) Excludes from the definition of an organized camp a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp, childcare institution, or home finding agency.
- 5) Defines a camper as a person in an organized camp who is a participant in the regular program and training of an organized camp, and who may take duties relating to such program and training.
- 6) Requires the State Fire Marshall to adopt minimum fire safety regulations for organized camps.
- 7) Requires local health officers to enforce the building standards published in the State Building Standards Code related to organized camps.
- 8) Prohibits an organized camp from operating unless it satisfies the minimum standards for organized camps as prescribed by building standards pursuant to the State Building Standards Code.

- 9) Specifies that California child day care licensing provisions do not apply to recreation programs conducted for children by the YMCA, Girl Scouts of the USA, Boy Scouts of America, Boys and Girls Clubs, Camp Fire USA, organized camps, or similar organizations.

FISCAL EFFECT: This bill has not yet been analyzed by a fiscal committee.

COMMENTS:

1) PURPOSE OF THIS BILL. According to the author, day camps are programs which typically serve children who are unable to attend resident camp programs that include multiple overnight stays. Considerations of cost, age of the child, and parental preference, are among the reasons some parents prefer to have their children attend local day camps rather than remote resident camps. The author states that because there is no reference to day camps in current law or regulation, there has been confusion related to who has jurisdiction over their operation. Day camps typically operate during the summer and other vacation periods when school is not in session and they provide group-based recreation, environmental education and expanded learning opportunities for children less than 18 years of age. This clarification provided by this bill will assure the public that day camps operate under the oversight of local health agencies, and that they are not regulated as licensed childcare programs. The author concludes that with so many kids participating in these camps, it is essential that the camps adhere to health and safety standards which are in place to look after the well-being of children. This will allow them to have a “camp” experience without the overnight component.

2) BACKGROUND.

- a) **Organized camps.** The current definition of an organized camp applies only to sites that are established to provide an outdoor group living experience for five or more days a year, and ostensibly house campers overnight. An alternative to these overnight camps, or “resident camps” is day camps, which are generally local and do not provide multiple overnight stays for campers. Day camps often do not have a fixed site, and instead operate in parks, beaches, churches, schools, Boys and Girls Clubs, or YMCA facilities, and are therefore not subject to the laws that regulate organized camps, as currently defined. According to the ACA, more than 12,000 day and resident camps exist in the U.S., 7,000 are resident (overnight) and 5,000 are day camps. Each year more than 11 million children and adults attend camp in the U.S. While camps are not required to report illness or injury data, ACA does voluntarily collect data that indicates a significantly smaller incidence of injury at day or resident camps compared to any organized sport and that a camper is much more likely to fall ill while at camp than to be injured.
- b) **ACA Accreditation.** ACA collaborates with experts from the American Academy of Pediatrics, the American Red Cross, and other youth-serving agencies to assure that current practices at camps reflect the most up-to-date, research-based standards in camp operation from staff qualifications and training to emergency management. Camps and ACA form a partnership that promotes growth and fun in an environment committed to safety. ACA accreditation typically goes beyond basic licensing requirements particularly in the following areas:

- i) Staff-to-camper ratios that are appropriate for different age groups;
 - ii) Goals for camp activities that are developmentally based;
 - iii) Emergency transportation available at all times; and,
 - iv) First-aid facilities and trained staff available when campers are present.
- c) **Day care centers.** There have been concerns that organizations have been operating as day camps in an effort to circumvent strict licensing requirements of day care centers. Some counties, in an attempt to regulate day camps, have classified them as day care centers. Day care center regulations differ significantly from organized camp regulations, in terms of staffing requirements, child population allowances, and operating hours. For example, day care center regulations prohibit more than 12 children from receiving care in the same place at the same time, and require that the program be operated only during normal school hours. Most organized day camps do not meet child care center regulations, and the author suggests that it has led to some day camps being shut down.
- 3) **SUPPORT.** The California Collaboration for Youth (CCFY), sponsor of this bill, states in support that the current definition of organized camps, which was originally crafted to cover resident camps, does not include day camps, those programs which typically serve children who cannot attend resident camp programs that include multiple overnight stays. Considerations of cost, age of the child and parental preference are among the reasons some parents prefer to have their children attend local day camps rather than remote resident camps. CCFY states that day camps may or may not have a fixed site. Many day camps operate on park sites, at beaches, in churches, schools, or at Boys and Girls Clubs, YMCAs and other youth serving organization sites. Many day camps offer field trips to resident camps to give participants an opportunity to experience overnight camping on a short term basis. Other trips could include trips to theme parks, museums, and zoos. The major distinction here is that day camps are not childcare programs, and instead focus on summer learning, recreational activities and outdoor experiences.
- CCFY argues that under this bill, day camps will be required to meet the same applicable standards applied to resident camps. They will have to provide their local health department with a notice to operate, and have a written operating plan or provide proof of accreditation by the American Camp Association as resident camps do. They will also be required to run background checks on camp counselors and program directors, and have adequate staff to carry out their program.
- 4) **OPPOSITION.** The County of San Bernardino states in opposition that this bill would place an undue burden on local health departments that are already challenged to maintain sufficient staffing resources to regulate camps and facilities currently within their jurisdictions. The County of San Bernardino notes that language in the bill defining two tiers of day camps with the difference between the tiers being those camps that prepare food and those camps that do not could lead to an upsurge of complaints, hospitalizations, and deaths due to foodborne illnesses. The County of San Bernardino argues that the bill leaves gaps in the tier system due to a lack of clear definitions and standards, and it introduces a large

number of questions that would need adequate answers in order to effectively regulate day camps.

- 5) **OPPOSE UNLESS AMENDED.** The California State Association of Counties, Urban Counties of California, Rural County Representatives of California, and County Health Executives Association of California, state in opposition and as a Coalition that this bill would expand the definition of organized camps to include day camps, creating a new mandate on local health departments. The Coalition writes that while counties appreciate the intent of the bill to assure that day camps provide a safe environment for children, they do not believe this bill as currently written will fully accomplish this goal. The Coalition notes that counties' existing oversight of organized residential camps is already overly broad and requires local health departments to operate beyond their scope of expertise related to health and sanitation. This bill would further exacerbate these issues by adding – according to the proponents – roughly 700 additional day camps statewide under the oversight of local health departments.

The Coalition further states that under this bill the local health department would be the sole oversight body of a day camp and would oversee areas such as building standards and childcare-like safety standards. Whereas a daycare currently has to comply with a myriad of standards set in place to ensure the child's safety and well-being, with the Department of Social Services utilizing their expertise as the oversight entity, day camps would not have the same safeguards in place, even with this bill. The Coalition concludes that their proposed amendments seek to limit the oversight of the local health department to their core responsibility and expertise: the health and sanitation aspects of a day camp.

6) **PREVIOUS LEGISLATION.**

- a) SB 476 (Mendoza), of 2015, would have redefined organized camps and separates them into two types: resident camps and day camps and would have required organized day camps to follow existing public health and safety codes and regulations. SB 476 was held in the Assembly Appropriations Committee.
- b) SB 443 (Walters), of 2013, would have defined organized camps and organized day camps and would have established requirements regarding their operation. SB 443 was held in the Assembly Appropriations Committee.
- c) SB 1087 (Walters), Chapter 652, Statutes of 2012, increases the time in which an organization participating in the Safe Neighborhoods Partnership program can operate without a license. SB 1087 also exempts organized camps from licensure required for day care centers.
- d) SB 737 (Walters), of 2011, was substantially similar to SB 443 (Walters) of 2013. SB 737 was vetoed. In his veto message, the Governor Schwarzenegger stated, "I agree with the author's intent to clarify and simplify the regulation of organized camps, but this measure does not achieve this goal. I am directing the Department of Public Health and Department of Social Services to work with the author and interested advocates to resolve this issue in the coming year."

7) SUGGESTED AMENDMENTS. As currently drafted, this bill differentiates between organized resident camps and organized day camps. Currently, all organized resident camps fall under existing statute and regulations for organized camps. The Committee may wish to instead limit this bill to define only organized day camps, and specify the certification and permit requirements for those camps.

REGISTERED SUPPORT / OPPOSITION:

Support

California Collaboration for Youth (sponsor)
California State Alliance of YMCAs
Outpost Recreation and Education, Inc.
Valley Trails Summer Camp

Opposition

County of San Bernardino

Oppose Unless Amended

California State Association of Counties
County Health Executives Association of California
Rural County Representatives of California
Urban Counties of California

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