

AMENDED IN ASSEMBLY AUGUST 7, 2013

AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 443

Introduced by Senator Walters

February 21, 2013

An act to amend Section 18897 of, and to add Sections 18897.8 and 18897.9 to, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 443, as amended, Walters. Organized camps.

Existing law requires the ~~Director of Public Health~~ *State Public Health Officer* to establish rules and regulations establishing minimum standards for organized camps, and regulating the operation of organized camps that the director determines are necessary to protect the health and safety of the campers.

Existing law establishes minimum standards for the operation, regulation, and enforcement of organized camps, as defined.

~~The~~

This bill would include “organized resident camp,” as defined, and “organized day camp,” as defined, within the definition of the term “organized camp.” The bill would require an “organized resident camp” and an “organized day camp” to provide written verification that the camp is accredited by the American Camp Association or the Boy Scouts of America or develop a written operating plan and file the plan with the local health officer at least 30 days prior to operation of the camp, would require submissions of an operating plan to the local *public* health officer, would authorize the local health officer to assess related fees, and would require camps operated by a city or a county, or a city and county, to comply with applicable provisions. *The bill would exempt*

a public recreation program, as defined, from organized camp regulations. By imposing these additional requirements upon local public health officers and cities and counties, this bill would impose a state-mandated local program.

This bill would require an organized day camp to have adequate staff to carry out the program, including, but not limited to, compliance with specified staff training and supervision regulations and a qualified program director present at all times during operation of the camp. The bill would exempt an organized day camp from certain construction and other standards generally applicable to organized resident camps.

This bill would require the department, in amending the rules and regulations pertaining to organized camps, to obtain the input and advice of prescribed organizations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 18897 of the Health and Safety Code is
2 amended to read:
3 18897. (a) “Organized camp” means an organized resident
4 camp or an organized day camp.
5 (b) (1) “Organized resident camp” means a site *or sites* with
6 programs and facilities established for the primary purposes of
7 providing an outdoor group living experience with social, spiritual,
8 educational, or recreational objectives, for at least four consecutive
9 overnight stays during one or more seasons of the year.
10 (2) “Organized resident camp” includes, but is not limited to,
11 a camp accredited or operated by the American Camp Association,
12 the YMCA, the Girl Scouts of the USA, the Boy Scouts of
13 America, the Camp Fire USA, the Boys and Girls Clubs of

1 America, the Salvation Army, and the Christian Camp and
2 Conference Association.

3 (c) (1) “Organized day camp” means a program, which may or
4 may not have a fixed site, that is established for the primary
5 purpose of providing outdoor group living experiences for children
6 through 17 years of age, and that operates seasonally during times
7 when school is not regularly in session. An organized day camp
8 provides group-based recreation and expanded learning
9 opportunities with social, spiritual, educational, or recreational
10 objectives. An organized day camp may transport campers to parks,
11 beaches, campsites, and other excursion locations for activities.
12 An organized day camp may provide for up to three consecutive
13 overnight stays. *An organized day camp shall register with the*
14 *local health department 30 days prior to operation. A travel camp*
15 *without a fixed camp site shall register with the local public health*
16 *department in which its business office is located. An organized*
17 *day camp shall have a first aid-certified staff member when a*
18 *health supervisor is not available. An organized day camp may*
19 *utilize a health supervisor who either is onsite daily or available*
20 *by telephone to satisfy the requirements set forth in regulation.*

21 (2) An organized day camp includes, but is not limited to, a
22 camp that is a member of the American Camp Association (ACA),
23 the Association for Environmental and Outdoor Education, the
24 Christian Camp and Conference Association, the Western
25 Association of Independent Camps, the Boy Scouts of America,
26 the YMCA, and other similar camping associations.

27 (d) The terms “organized resident camp” or “organized day
28 camp” do not include sites or programs that are used by couples
29 or groups for counseling, religious retreats, reunions, conferences,
30 and special events, on an intermittent short-term basis of less than
31 four consecutive overnight stays. *A resident camp shall meet the*
32 *organized camp requirements if it is leased to conduct a traditional*
33 *camp program. A group that leases an organized resident camp*
34 *for the purpose of conducting a camp session shall comply with*
35 *all legal requirements applicable to the camp program.*

36 (e) The terms “organized resident camp” and “organized day
37 camp” do not include a hotel, motel, tourist camp, trailer park,
38 resort, hunting camp, auto court, or other program or facility
39 subject to occupancy taxes, and do not include licensed child care
40 facilities—~~or~~, home-finding agencies, *noncamp educational*

1 *programs operated by museums, or day programs offered by cities,*
2 *counties, or special districts.*

3 SEC. 2. Section 18897.8 is added to the Health and Safety
4 Code, immediately following Section 18897.7, to read:

5 18897.8. (a) An organized resident camp or organized day
6 camp shall provide ~~written verification that the camp is accredited~~
7 ~~by the American Camp Association (ACA) or the Boy Scouts of~~
8 ~~America (BSA) or shall develop a written operating plan and file~~
9 ~~the plan with the local health officer at least 30 days prior to~~
10 ~~operation of the camp. The local health officer shall, within 30~~
11 ~~days, acknowledge receipt of the verification of the accreditation~~
12 ~~or the operating plan. A charge shall not be imposed for any camp~~
13 ~~accreditation acknowledgment. The local health officer may charge~~
14 ~~a fee for the review of an operating plan, that shall not exceed the~~
15 ~~actual cost of plan review.~~ *the local public health officer or his or*
16 *her designee with a copy of its written operating plan that describes*
17 *the program of organized and supervised activities of the camp as*
18 *specified in regulation, a copy of its Boy Scout accreditation*
19 *operating plan, or written verification that the camp is accredited*
20 *by the American Camp Association (ACA). The organized resident*
21 *camp or organized day camp shall file the plan or proof of*
22 *accreditation with the local public health officer or his or her*
23 *designee at least 30 days prior to operation of the camp. Within*
24 *30 days, the local public health officer or his or her designee shall*
25 *acknowledge the receipt of the verification of the accreditation or*
26 *the determination upon review and approval or denial of the*
27 *operating plan. The local public health officer may charge a fee*
28 *for the review of an operating plan or for recording the*
29 *acknowledgment of accreditation that shall not exceed the actual*
30 *cost of plan review or recording of acknowledgment of*
31 *accreditation.*

32 (1) Upon receipt of the local *public health officer's*
33 ~~acknowledgment determination~~, a camp shall post a copy of the
34 ~~acknowledgment determination~~ in a conspicuous location on the
35 camp premises, and on the camp's Internet Web site. *A camp*
36 *operation plan or proof of accreditation is deemed approved if a*
37 *camp has not received acknowledgment from the local public*
38 *health department within 30 days.*

39 (2) The local public health officer *or his or her designee* may
40 *investigate complaints or inspect a camp and charge a fee for that*

1 purpose, not to exceed the actual cost of the visit. A summary and
2 explanation of ~~charges violations~~ shall be given to the camp
3 following the camp visit. If an inspection is not made, charges
4 shall not be imposed on the ~~camp other than for reviewing an~~
5 ~~operating plan, if applicable.~~ *camp*.

6 (3) A camp that has been cited for failing to meet legal
7 requirements may appeal that citation to the local health
8 department.

9 (b) If an organized resident camp or organized day camp
10 constructs or operates educational facilities and programs that
11 include ropes courses, challenge courses, climbing walls, repelling
12 towers, zip lines, canopy tours, or other similar adventure
13 challenges, the camp's written operating plan shall include all of
14 the following:

15 (1) A provision ensuring that campers are kept separated from
16 individuals who use these facilities on a day-use basis.

17 (2) A provision ensuring that oversight of activities is provided
18 by camp staff.

19 (3) A provision that ensures that the construction and operating
20 standards of those facilities and programs are in compliance with
21 the standards established by the ~~Director of Public Health~~ *State*
22 *Public Health Officer* pursuant to this part, or are in compliance
23 with standards adopted by one or more of the following if the
24 ~~Director of Public Health~~ *State Public Health Officer* determines
25 that the following standards are substantially similar to the
26 standards developed by the ~~director~~ *State Public Health Officer*
27 under this part:

28 (A) The American Camp Association.

29 (B) The Association of Challenge Course Technology.

30 (C) Project COPE.

31 (D) An equivalent certification program.

32 (4) A written operating plan prepared pursuant to this
33 subdivision shall be filed with the local *public* health officer *or*
34 *his or her designee* at least 30 days prior to construction, and shall
35 also be filed annually thereafter. ~~A camp shall submit its plans and~~
36 ~~any associated fees to the local health officer by certified mail.~~

37 (c) An organized day camp shall have adequate staff to carry
38 out the program, including, but not limited to, a qualified program
39 director who has at least two seasons of administrative or
40 supervisory experience at an organized day camp or at a youth

1 program. The program director shall be present at all times during
2 operation of the organized day camp. Additionally, an organized
3 day camp and an organized residential camp shall meet the
4 requirements of Section 30751 of Title 17 of the California Code
5 of Regulations.

6 (d) An organized resident camp or an organized day camp
7 operated by a city or a county, or a city and county, shall comply
8 with the relevant provisions of this part.

9 (e) *A public recreation program is exempt from organized camp
10 regulations. For purposes of this section, “public recreation
11 program” means a program operated by the state, city, county,
12 special district, school district, community college district,
13 chartered city, or chartered city and county that meets any of the
14 following criteria:*

15 (1) (A) *The program is operated only during hours other than
16 the normal school hours for kindergarten and grades 1 to 12,
17 inclusive, in the public school district where the program is located
18 or operated only during periods when pupils in kindergarten and
19 grades 1 to 12, inclusive, are normally not in session in the public
20 school district where the program is located, for either of the
21 following periods:*

22 (i) *For fewer than 16 hours per week.*

23 (ii) *For a total of 12 cumulative weeks or less during a 12-month
24 period.*

25 (B) *In determining “normal school hours” or periods when
26 pupils are “normally not in session,” the State Department of
27 Social Services, where appropriate, shall consider the normal
28 school hours or periods when pupils are normally not in session
29 for pupils attending a year-round school.*

30 (2) *The program is provided to children who are over four years
31 and nine months of age and not yet enrolled in school, and the
32 program is operated during either of the following periods:*

33 (A) *For fewer than 16 hours per week.*

34 (B) *For a total of 12 cumulative weeks or less during a 12-month
35 period.*

36 (3) *The program is provided to children under four years and
37 nine months of age with sessions that run 12 hours per week or
38 less and are 12 weeks or less in duration. A program subject to
39 this paragraph may permit children to be enrolled in consecutive
40 sessions throughout the year. However, the program shall not*

1 *permit children to be enrolled in a combination of sessions that*
2 *total more than 12 hours per week for each child.*

3 (e)

4 (f) Except as set forth in this section, and Sections 18897 and
5 18897.9, the construction and other standards set forth in this part
6 are not applicable to an organized day camp.

7 SEC. 3. Section 18897.9 is added to the Health and Safety
8 Code, immediately following Section 18897.8, to read:

9 18897.9. The State Department of Public Health, in adopting
10 or amending the rules and regulations pertaining to organized
11 resident camps and organized day camps under this part, shall
12 make reasonable efforts to obtain the input and advice of
13 organizations in the field. All costs incurred by the participating
14 organizations shall be borne by the organizations themselves. The
15 department shall implement this section in the most cost-effective
16 manner deemed feasible.

17 SEC. 4. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 a local agency or school district has the authority to levy service
20 charges, fees, or assessments sufficient to pay for the program or
21 level of service mandated by this act, within the meaning of Section
22 17556 of the Government Code.

23 However, if the Commission on State Mandates determines that
24 this act contains other costs mandated by the state, reimbursement
25 to local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.