

AMENDED IN ASSEMBLY JUNE 25, 2014
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~~ *Sections 1596.793 and 18897 of, and to add Sections 18897.8 and 18897.9 to, to add Section 18897.8 to, and to repeal and add Section 18897.1 of, the Health and Safety Code, relating to housing.*

LEGISLATIVE COUNSEL'S DIGEST

SB 443, as amended, Walters. Organized camps.

Existing law requires the 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.

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 recast those provisions and instead define an "organized camp,"~~ an "organized resident camp," and an "organized day camp," as specified. The bill would require an ~~"organized day camp"~~ organized camp to ~~provide~~ register annually with the local public health officer, and provide the local public health officer with its written operating plan, or 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 at least 60 days prior to operation of the camp, would require submissions of an operating plan to the local public health officer, camp. The bill would provide that failure to comply with these provisions is a misdemeanor. The bill 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 fees.

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. prohibit an organized camp from employing or accepting the volunteer services of any person unless he or she has had a fingerprint-based criminal offender record information background check, as specified. The bill would provide that failure to comply with these provisions is a misdemeanor.

Because this bill would impose additional requirements upon local public health officers and cities and counties, and because the bill would create new crimes, it would impose a state-mandated local program.

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 1596.793 of the Health and Safety Code*
2 *is amended to read:*

3 1596.793. This chapter and Chapters 3.5 (commencing with
4 Section 1596.90) and 3.6 (commencing with Section 1597.30) do
5 not apply to recreation programs conducted for children by ~~the~~
6 ~~YMCA, Girl Scouts of the USA, Boy Scouts of America, Boys~~
7 ~~and Girls Clubs, Camp Fire USA, organized camps, or similar~~
8 ~~organizations.~~ *organized camps established pursuant to Part 2.4*
9 *(commencing with Section 18897) of Division 13. However, child*
10 *day care programs conducted by these organizations and the fees*
11 *charged for those purposes shall be subject to the requirements of*
12 *this chapter, Chapter 3.5 (commencing with Section 1596.90), and*
13 *Chapter 3.6 (commencing with Section 1597.30).*

14 ~~SECTION 1.~~

15 *SEC. 2. Section 18897 of the Health and Safety Code is*
16 *amended to read:*

17 18897. (a) “Organized camp” means an organized resident
18 camp or an organized day ~~camp.~~ *camp that operates seasonally*
19 *to provides group-based recreation and expanded learning*
20 *opportunities with social, spiritual, educational, or recreational*
21 *programs and services on a seasonal basis.*

22 (1) *A group that leases an organized camp for the purpose of*
23 *conducting a camp for children under 18 years of age shall comply*
24 *with this part.*

25 (2) *An “organized camp” does not include any of the following:*

26 (A) *A hotel, motel, tourist camp, trailer park, resort, hunting*
27 *camp, auto court, labor camp, penal or correctional camp, or*
28 *other program or facility subject to occupancy taxes, home-finding*
29 *agencies, or a licensed child day care facility as defined in Section*
30 *1596.750.*

31 (B) *A charitable or recreational organization that complies with*
32 *the rules and regulations for recreational trailer parks.*

33 (C) *Sites or programs that are used by adults or groups for*
34 *counseling, religious retreats, reunions, conferences, and special*
35 *events on an intermittent, short-term basis of less than four*
36 *consecutive overnight stays.*

37 (3) *Programs offered by cities, counties, or special districts that*
38 *comply with subdivision (c) of Section 18897.1.*

1 (b) ~~(1)~~ “Organized resident camp” means a site or sites with
 2 programs and facilities established for the primary purposes of
 3 providing ~~an outdoor group living experience with social, spiritual,~~
 4 educational, or recreational objectives, for at least four consecutive
 5 *group living experiences and that provides* overnight stays during
 6 one or more seasons of the ~~year~~. *year, excluding field trips as*
 7 *provided for under subparagraph (B) of paragraph (2) of*
 8 *subdivision (c).*

9 (2) ~~“Organized resident camp” includes, but is not limited to,~~
 10 a camp accredited or operated by the American Camp Association,
 11 the YMCA, the Girl Scouts of the USA, the Boy Scouts of
 12 America, the Camp Fire USA, the Boys and Girls Clubs of
 13 America, the Salvation Army, and the Christian Camp and
 14 Conference Association.

15 (c) (1) “Organized day camp” means a ~~program, which may or~~
 16 ~~may not have a fixed site,~~ *program* that is established for the
 17 primary purpose of providing ~~outdoor~~ group experiences for
 18 children ~~through 17 years of age, and that operates seasonally~~
 19 ~~during times when school is not regularly in session. An organized~~
 20 ~~day camp provides group-based recreation and expanded learning~~
 21 ~~opportunities with social, spiritual, educational, or recreational~~
 22 ~~objectives. An organized day camp may transport under 18 years~~
 23 ~~of age during the day between the hours of 6 a.m. and 8 p.m.~~

24 (2) *An organized day camp may do all of the following:*

25 (A) *Transport* campers to parks, beaches, campsites, and other
 26 excursion locations for activities. ~~An organized day camp may~~
 27 ~~provide~~

28 (B) *Provide for up to offsite field trips for no more than three*
 29 ~~consecutive overnight stays. An organized day camp shall register~~
 30 ~~with the local health department 30 days prior to operation. A~~
 31 ~~travel camp without a fixed camp site shall register with the local~~
 32 ~~public health department in which its business office is located.~~
 33 ~~An organized day camp shall have a first aid-certified staff member~~
 34 ~~when a health supervisor is not available. An organized day camp~~
 35 ~~may utilize a health supervisor who either is onsite daily or~~
 36 ~~available by telephone to satisfy the requirements set forth in~~
 37 ~~regulation.~~ *days. Any organized day camp that provides offsite*
 38 *field trips for more than two consecutive nights shall be considered*
 39 *an organized resident camp.*

1 ~~(2) An organized day camp includes, but is not limited to, a~~
2 ~~camp that is a member of the American Camp Association (ACA),~~
3 ~~the Association for Environmental and Outdoor Education, the~~
4 ~~Christian Camp and Conference Association, the Western~~
5 ~~Association of Independent Camps, the Boy Scouts of America,~~
6 ~~the YMCA, and other similar camping associations.~~

7 ~~(d) The terms “organized resident camp” or “organized day~~
8 ~~camp” do not include sites or programs that are used by couples~~
9 ~~or groups for counseling, religious retreats, reunions, conferences,~~
10 ~~and special events, on an intermittent short-term basis of less than~~
11 ~~four consecutive overnight stays. A resident camp shall meet the~~
12 ~~organized camp requirements if it is leased to conduct a traditional~~
13 ~~camp program. A group that leases an organized resident camp~~
14 ~~for the purpose of conducting a camp session shall comply with~~
15 ~~all legal requirements applicable to the camp program.~~

16 ~~(e) The terms “organized resident camp” and “organized day~~
17 ~~camp” do not include a hotel, motel, tourist camp, trailer park,~~
18 ~~resort, hunting camp, auto court, or other program or facility~~
19 ~~subject to occupancy taxes, and do not include licensed child care~~
20 ~~facilities, home-finding agencies, noncamp educational programs~~
21 ~~operated by museums, or day programs offered by cities, counties,~~
22 ~~or special districts.~~

23 ~~(d) “Camper” means any person in an organized camp on a~~
24 ~~fee or nonfee basis who is a participant in the regular program~~
25 ~~and training of an organized camp, and who may take on duties~~
26 ~~relating to that program and training.~~

27 ~~SEC. 2. Section 18897.8 is added to the Health and Safety~~
28 ~~Code, immediately following Section 18897.7, to read:~~

29 ~~18897.8. (a) An organized resident camp or organized day~~
30 ~~camp shall provide the local public health officer or his or her~~
31 ~~designee with a copy of its written operating plan that describes~~
32 ~~the program of organized and supervised activities of the camp as~~
33 ~~specified in regulation, a copy of its Boy Scout accreditation~~
34 ~~operating plan, or written verification that the camp is accredited~~
35 ~~by the American Camp Association (ACA). The organized resident~~
36 ~~camp or organized day camp shall file the plan or proof of~~
37 ~~accreditation with the local public health officer or his or her~~
38 ~~designee at least 30 days prior to operation of the camp. Within~~
39 ~~30 days, the local public health officer or his or her designee shall~~
40 ~~acknowledge the receipt of the verification of the accreditation or~~

1 the determination upon review and approval or denial of the
2 operating plan. The local public health officer may charge a fee
3 for the review of an operating plan or for recording the
4 acknowledgment of accreditation that shall not exceed the actual
5 cost of plan review or recording of acknowledgment of
6 accreditation.

7 (1) Upon receipt of the local public health officer's
8 determination, a camp shall post a copy of the determination in a
9 conspicuous location on the camp premises, and on the camp's
10 Internet Web site. A camp operation plan or proof of accreditation
11 is deemed approved if a camp has not received acknowledgment
12 from the local public health department within 30 days.

13 (2) The local public health officer or his or her designee may
14 investigate complaints or inspect a camp and charge a fee for that
15 purpose, not to exceed the actual cost of the visit. A summary and
16 explanation of violations shall be given to the camp following the
17 camp visit. If an inspection is not made, charges shall not be
18 imposed on the camp.

19 (3) A camp that has been cited for failing to meet legal
20 requirements may appeal that citation to the local health
21 department.

22 (b) If an organized resident camp or organized day camp
23 constructs or operates educational facilities and programs that
24 include ropes courses, challenge courses, climbing walls, repelling
25 towers, zip lines, canopy tours, or other similar adventure
26 challenges, the camp's written operating plan shall include all of
27 the following:

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

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

32 (3) A provision that ensures that the construction and operating
33 standards of those facilities and programs are in compliance with
34 the standards established by the State Public Health Officer
35 pursuant to this part, or are in compliance with standards adopted
36 by one or more of the following if the State Public Health Officer
37 determines that the following standards are substantially similar
38 to the standards developed by the State Public Health Officer under
39 this part:

40 (A) The American Camp Association.

1 ~~(B) The Association of Challenge Course Technology.~~

2 ~~(C) Project COPE.~~

3 ~~(D) An equivalent certification program.~~

4 ~~(4) A written operating plan prepared pursuant to this~~
5 ~~subdivision shall be filed with the local public health officer or his~~
6 ~~or her designee at least 30 days prior to construction, and shall~~
7 ~~also be filed annually thereafter.~~

8 ~~(e) An organized day camp shall have adequate staff to carry~~
9 ~~out the program, including, but not limited to, a qualified program~~
10 ~~director who has at least two seasons of administrative or~~
11 ~~supervisory experience at an organized day camp or at a youth~~
12 ~~program. The program director shall be present at all times during~~
13 ~~operation of the organized day camp. Additionally, an organized~~
14 ~~day camp and an organized residential camp shall meet the~~
15 ~~requirements of Section 30751 of Title 17 of the California Code~~
16 ~~of Regulations.~~

17 ~~(d) An organized resident camp or an organized day camp~~
18 ~~operated by a city or a county, or a city and county, shall comply~~
19 ~~with the relevant provisions of this part.~~

20 ~~(e) A public recreation program is exempt from organized camp~~
21 ~~regulations. For purposes of this section, “public recreation~~
22 ~~program” means a program operated by the state, city, county,~~
23 ~~special district, school district, community college district,~~
24 ~~chartered city, or chartered city and county that meets any of the~~
25 ~~following criteria:~~

26 ~~(1) (A) The program is operated only during hours other than~~
27 ~~the normal school hours for kindergarten and grades 1 to 12,~~
28 ~~inclusive, in the public school district where the program is located~~
29 ~~or operated only during periods when pupils in kindergarten and~~
30 ~~grades 1 to 12, inclusive, are normally not in session in the public~~
31 ~~school district where the program is located, for either of the~~
32 ~~following periods:~~

33 ~~(i) For fewer than 16 hours per week.~~

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

36 ~~(B) In determining “normal school hours” or periods when~~
37 ~~pupils are “normally not in session,” the State Department of Social~~
38 ~~Services, where appropriate, shall consider the normal school hours~~
39 ~~or periods when pupils are normally not in session for pupils~~
40 ~~attending a year-round school.~~

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

- 4 ~~(A) For fewer than 16 hours per week.~~
- 5 ~~(B) For a total of 12 cumulative weeks or less during a 12-month
6 period.~~

7 ~~(3) The program is provided to children under four years and
8 nine months of age with sessions that run 12 hours per week or
9 less and are 12 weeks or less in duration. A program subject to
10 this paragraph may permit children to be enrolled in consecutive
11 sessions throughout the year. However, the program shall not
12 permit children to be enrolled in a combination of sessions that
13 total more than 12 hours per week for each child.~~

14 ~~(f) Except as set forth in this section, and Sections 18897 and
15 18897.9, the construction and other standards set forth in this part
16 are not applicable to an organized day camp.~~

17 ~~SEC. 3. Section 18897.9 is added to the Health and Safety
18 Code, immediately following Section 18897.8, to read:~~

19 ~~18897.9. The State Department of Public Health, in adopting
20 or amending the rules and regulations pertaining to organized
21 resident camps and organized day camps under this part, shall
22 make reasonable efforts to obtain the input and advice of
23 organizations in the field. All costs incurred by the participating
24 organizations shall be borne by the organizations themselves. The
25 department shall implement this section in the most cost-effective
26 manner deemed feasible.~~

27 ~~SEC. 3. Section 18897.1 of the Health and Safety Code is
28 repealed.~~

29 ~~18897.1. “Camper” means any person in an organized camp
30 on a fee or nonfee basis who is a participant in the regular program
31 and training of an organized camp, and who may take on duties
32 relating to such program and training.~~

33 ~~SEC. 4. Section 18897.1 is added to the Health and Safety
34 Code, to read:~~

35 ~~18897.1. (a) An organized camp shall register annually with
36 the local public health officer or his or her designee prior to
37 operation. An organized camp without a fixed location shall
38 register with the local public health department as an organized
39 camp in the county in which its business office is located.~~

1 **(b) (1)** *An organized camp shall provide the local public health*
2 *officer or his or her designee with a copy of its written operating*
3 *plan or a written verification that the organized camp is accredited*
4 *by the American Camp Association (ACA) and that describes the*
5 *program of organized and supervised activities of the camp as*
6 *specified in regulation.*

7 **(A)** *An organized camp shall file its operating plan with the*
8 *local public health officer or his or her designee at least 60 days*
9 *prior to operation of the camp.*

10 **(B)** *Within 45 days, the local public health officer or his or her*
11 *designee shall review and acknowledge receipt of the operating*
12 *plan.*

13 **(C)** *The local public health officer may charge a fee for the*
14 *review of an operating plan that shall not exceed the actual cost*
15 *of plan review. Upon receipt of the local public health officer's*
16 *determination, a camp shall post a copy of the certification in a*
17 *conspicuous location on the camp premises, and on the camp's*
18 *Internet Web site, if applicable.*

19 **(D)** *A camp operation plan is deemed approved if a camp has*
20 *not received approval from the local public health department*
21 *within 60 days.*

22 **(2)** *Complaints may be filed with the local public health officer*
23 *or his or her designee and may be made either orally or in writing*
24 *to the local public health officer. Unless the local public health*
25 *officer determines that the complaint is willfully intended to harass*
26 *an organized camp or is without any reasonable basis, the local*
27 *public health officer shall conduct an investigation of the complaint*
28 *within 30 days.*

29 **(A)** *A summary and explanation of violations shall be given to*
30 *the camp within 30 days of conducting a complaint investigation.*

31 **(B)** *If a complaint investigation is not made, a citation shall not*
32 *be imposed on the camp.*

33 **(C)** *A camp that has been cited for failing to meet legal*
34 *requirements has the right to appeal a citation to the local health*
35 *department. The local health department shall respond to the*
36 *appeal within 30 days, after which time, the appeal determination*
37 *shall be final.*

38 **(c) (1) (A)** *An organized camp shall not employ or accept the*
39 *volunteer services of any person under 28 years of age who may*
40 *have contact with children at the camp, unless he or she has had*

1 a fingerprint-based criminal offender record information
2 background check. An organized camp shall submit all potential
3 employees and volunteers under 28 years of age to the Department
4 of Justice for a state and federal level background check pursuant
5 to Section 11105.3 of the Penal Code and request subsequent
6 notification service pursuant to Section 11105.2 of the Penal Code,
7 from the Department of Justice.

8 (B) If the organized camp finds that the applicant has been
9 convicted or is awaiting trial for any crime specified in clause (i)
10 of subparagraph (C) of paragraph (1) of subdivision (g) of Section
11 1522, the organized camp may not grant an exemption.

12 (2) (A) An organized camp shall not employ or accept the
13 volunteer services of any person over 28 years of age who may
14 have contact with children at the camp, unless he or she has had
15 a fingerprint-based criminal offender record information
16 background check.

17 (B) If the organized camp finds that the applicant has been
18 convicted or is awaiting trial for any crime specified in clause (i)
19 of subparagraph (C) of paragraph (1) of subdivision (g) of Section
20 1522, the organized camp may not grant an exemption.

21 (C) An organized camp shall submit to the Department of Justice
22 fingerprint images and related information of all potential
23 employees and volunteers 28 years of age or older required by the
24 department for the purposes of obtaining information as to the
25 existence and content of a record of state or federal convictions
26 and state or federal arrests and also information as to the existence
27 and content of a record of state or federal arrests for which the
28 Department of Justice establishes that the person is free on bail
29 or on his or her own recognizance pending trial or appeal.

30 (i) The Department of Justice shall forward to the Federal
31 Bureau of Investigation requests for federal summary criminal
32 history information received pursuant to this paragraph. The
33 Department of Justice shall review the information returned from
34 the Federal Bureau of Investigation and compile and disseminate
35 a fitness determination to the organized camp.

36 (ii) The Department of Justice shall provide a state or
37 federal-level response or fitness determination to the organized
38 camp pursuant to paragraph (1) of subdivision (p) of Section 11105
39 of the Penal Code.

1 (iii) *The organized camp shall request from the Department of*
2 *Justice subsequent notification service pursuant to Section 11105.2*
3 *of the Penal Code.*

4 (3) *The Department of Justice shall charge a fee sufficient to*
5 *cover the cost of processing the requests described in this*
6 *subdivision.*

7 (d) *A violation of this section is a misdemeanor.*

8 SEC. 5. *Section 18897.8 is added to the Health and Safety*
9 *Code, immediately following Section 18897.7, to read:*

10 18897.8. *The State Department of Public Health, in adopting*
11 *or amending the rules and regulations pertaining to organized*
12 *resident camps and organized day camps under this part, shall*
13 *make reasonable efforts to obtain the input and advice of*
14 *organizations in the field. All costs incurred by the participating*
15 *organizations shall be borne by the organizations themselves. The*
16 *department shall implement this section in the most cost-effective*
17 *manner deemed feasible.*

18 ~~SEC. 4.~~

19 SEC. 6. *No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution because*
21 *a local agency or school district has the authority to levy service*
22 *charges, fees, or assessments sufficient to pay for the program or*
23 *level of service mandated by this act, within the meaning of Section*
24 *17556 of the Government Code.*

25 However, if the Commission on State Mandates determines that
26 this act contains other costs mandated by the state, reimbursement
27 to local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.