

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE MAY 10, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE APRIL 5, 2011

SENATE BILL

No. 737

Introduced by Senator Walters

February 18, 2011

An act to amend Section 8484.3 of the Education Code, and to amend Sections 1596.793 and 18897 of, and to add Section 18897.8 to, the Health and Safety Code, relating to organized camps.

LEGISLATIVE COUNSEL'S DIGEST

SB 737, as amended, Walters. Organized camps.

(1) Existing law requires the Director of the Department of Public Health 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.

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

(2) Existing law permits a participating program operated by a city, county, or nonprofit organization in the After School Learning and Safe Neighborhoods Partnership Program to operate for up to 30 hours per week without obtaining a license or special permit otherwise required under existing law.

The bill would increase the authorization to 60 hours per week and provide that no individual child can be in care in the program for more than 30 hours per week.

(3) Existing law regulates the licensure and administration of day care centers and family day care centers and exempts specified recreation programs conducted for children from these regulations.

The bill would expand the scope of this exemption.

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

The bill would modify the definition of the term “organized camp.” The bill would define the term “organized day camp” and require an organized day camp to develop an operating plan and file the plan with the local health department. ~~The bill would require the department to acknowledge receipt of the plan within 30 days. By imposing a new duty on local public health officials, the bill would impose a state-mandated local program.~~

~~(5) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

1 SECTION 1. The Department of Public Health, in amending
2 the rules and regulations pertaining to organized camps as set forth
3 in Sections 30700 to 30753, inclusive, of Title 17 of the California
4 Code of Regulations, shall obtain the input and advice of
5 organizations in the field, including, but not limited to, the
6 California State Alliance of YMCAs and the California
7 Collaboration for Youth. All costs incurred by the participating
8 organizations shall be borne by the organizations themselves. The
9 department shall implement this section in the most cost-effective
10 manner deemed feasible.

11 SEC. 2. Section 8484.3 of the Education Code is amended to
12 read:

1 8484.3. (a) Programs established pursuant to this article shall
2 not be required to comply with the requirements of other provisions
3 of this chapter or requirements set forth in Chapter 19 of Division
4 1 of Title 5 of the California Code of Regulations.

5 (b) Notwithstanding any other provision of law or regulation,
6 a program operated by a city, county, or nonprofit organization
7 pursuant to this article may operate for up to 60 hours per week
8 without obtaining a license or special permit under Chapter 3.4
9 (commencing with Section 1596.70) or Chapter 3.5 (commencing
10 with Section 1596.90) of Division 2 of the Health and Safety Code.
11 A child shall not be in care in the program for more than 30 hours
12 per week.

13 SEC. 3. Section 1596.793 of the Health and Safety Code is
14 amended to read:

15 1596.793. This chapter and Chapters 3.5 (commencing with
16 Section 1596.90) and 3.6 (commencing with Section 1597.30) do
17 not apply to recreation programs conducted for children by the
18 YMCA, Girl Scouts of the USA, Boy Scouts of America, Boys
19 and Girls Clubs, Camp Fire USA, organized camps, organized day
20 camps, or similar organizations. Nonprofit organizations, organized
21 camps, businesses or schools that offer instruction in martial arts,
22 dance, music, fitness, gymnastics, swimming, or similar activities
23 of less than four hours in duration are also exempt from child care
24 licensure. If child day care programs are conducted by these
25 organizations and the fees are charged for that specific purpose
26 they are subject to the requirements of this chapter, Chapter 3.5
27 (commencing with Section 1596.90), and Chapter 3.6 (commencing
28 with Section 1597.30).

29 SEC. 4. Section 18897 of the Health and Safety Code is
30 amended to read:

31 18897. (a) (1) “Organized camp” means a site with programs
32 and facilities established for the primary purposes of providing an
33 outdoor group living experience with social, spiritual, educational,
34 or recreational objectives, for five consecutive days or more during
35 one or more seasons of the year. An overnight stay is not required
36 to meet this definition. Programs, retreats, conferences, and events
37 held on organized camp sites that are less than five consecutive
38 days in duration shall not be required to meet the provisions of
39 this section, but shall comply with subdivision (a) of Section 30751
40 of Title 17 of the California Code of Regulations. Camps accredited

1 or operated by organizations including, but not limited to, the
2 YMCA, Girl Scouts of the USA, Boy Scouts of America, Camp
3 Fire USA, Boys and Girls Clubs, Salvation Army, and Christian
4 Camp and Conference Association camps, shall be considered
5 prototypes of an organized camp.

6 (2) “Organized day camp” means a site serving schoolage
7 children between 4 to 17 years of age, inclusive, which operates
8 seasonally during times when school is not regularly in session.
9 An organized day camp focuses on group-based recreation and
10 expanded learning opportunities with social, spiritual, educational,
11 or recreational objectives. An organized day camp does not
12 typically provide for overnight stays and frequently transports
13 campers to parks, beaches, camp sites, and other excursion
14 locations for activities. A qualified program director who has had
15 at least two seasons of administrative or supervisory experience
16 at an organized camp and a staff adequate to carry out the program
17 shall be present at the organized day camp. Day camps shall use
18 the same counselor-to-camper ratio as that required of organized
19 camps. All employees of an organized day camp shall have a
20 criminal record check as specified in subdivision (a) of Section
21 30751 of Title 17 of the California Code of Regulations.

22 (3) Membership in any of the following organizations shall also
23 be indicative of status as an “organized camp” or “organized day
24 camp” for purposes of this section:

25 (A) The American Camp Association.

26 (B) The Association for Environmental and Outdoor Recreation.

27 (C) Christian Camp and Conference Association.

28 (D) Western Association of Independent Camps.

29 (E) The Boy Scouts of America.

30 (F) The YMCA.

31 (G) Other similar camping associations.

32 (b) The terms “organized camp” and “organized day camp” do
33 not include a motel, tourist camp, trailer park, resort, hunting camp,
34 auto court, labor camp, penal or correctional camp and do not
35 include a licensed child care institution or home-finding agency.

36 (c) The term “organized camp” or “organized day camp” also
37 does not include any charitable or recreational organization that
38 complies with the rules and regulations for recreational trailer
39 parks.

(d) Organized camps or organized day camps operated by cities or counties shall meet the provisions of this chapter.

SEC. 5. Section 18897.8 is added to the Health and Safety Code, to read:

18897.8. (a) An organized camp or day camp shall develop a written operating plan and file the plan with the local health department at least 30 days prior to operation. The local health department shall acknowledge receipt of the operating plan within 30 days.

(b) (1) If an organized camp also constructs or operates educational facilities and programs, which include, but are not limited to, ropes courses, challenge courses, climbing walls, rappelling towers, zip lines, canopy tours, or other similar adventure challenges, the camp shall include in the written operating plan prepared pursuant to subdivision (a) a provision keeping campers separated from individuals who use these facilities on a day use basis, and also provisions that meet the construction and operating standards of one or more of the following:

(A) The American Camp Association.

(B) The Association of Challenge Course Technology.

(C) Project COPE standards.

(D) An equivalent certification program.

(2) A written operating plan prepared pursuant to this subdivision shall be filed with the local health department at least 30 days prior to construction, and shall also be filed annually thereafter. Camps shall submit their plans and any associated fees to the local health department by certified mail. ~~The local health department shall have 30 days to review and approve the plans and issue a permit. If the camp does not receive its permit or confirmation of the approval or denial after 30 days, the plans shall be deemed approved.~~

~~SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~