

AMENDED IN ASSEMBLY SEPTEMBER 1, 2011

AMENDED IN ASSEMBLY AUGUST 22, 2011

AMENDED IN ASSEMBLY JULY 6, 2011

AMENDED IN ASSEMBLY JUNE 23, 2011

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 Sections 18897.8 and 18897.9 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 camp and organized day camp to develop an operating plan ~~and file the plan with the local health department and to comply with a criminal history record check requirement.~~ *The bill would provide that a director or camp counselor may have direct supervision of any child if that director or counselor is registered with a specified child care provider trustline registry, and, if not so registered, may have direct, unsupervised contact with a child only after a specified confirmation. This bill would also strongly encourages a director or counselor to seek a criminal history check.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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 and
3 organized day camps as set forth in Sections 30700 to 30753,
4 inclusive, of Title 17 of the California Code of Regulations, shall
5 obtain the input and advice of organizations in the field. All costs
6 incurred by the participating organizations shall be borne by the
7 organizations themselves. The department shall implement this
8 section in the most cost-effective manner deemed feasible.

9 SEC. 2. Section 8484.3 of the Education Code is amended to
10 read:

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

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

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

1596.793. This chapter and Chapters 3.5 (commencing with Section 1596.90) and 3.6 (commencing with Section 1597.30) 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, organized day camps, or similar organizations.

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

18897. (a) (1) “Organized camp” means a site with programs and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five consecutive days or more during one or more seasons of the year. An overnight stay is not required to meet this definition. Programs, retreats, conferences, and events held on organized camp sites that are less than five consecutive days in duration shall not be required to meet the provisions of this section, but shall comply with subdivision (a) of Section 30751 of Title 17 of the California Code of Regulations. Camps accredited or operated by organizations including, but not limited to, the YMCA, Girl Scouts of the USA, Boy Scouts of America, Camp Fire USA, Boys and Girls Clubs, Salvation Army, and Christian Camp and Conference Association camps, shall be considered prototypes of an organized camp.

(2) “Organized day camp” means a site serving schoolage children up to 17 years of age, inclusive, which operates seasonally during times when school is not regularly in session. An organized

1 day camp focuses on group-based recreation and expanded learning
2 opportunities with social, spiritual, educational, or recreational
3 objectives. An organized day camp does not typically provide for
4 overnight stays and frequently transports campers to parks, beaches,
5 camp sites, and other excursion locations for activities. A qualified
6 program director who has had at least two seasons of administrative
7 or supervisory experience at an organized camp and a staff
8 adequate to carry out the program shall be present at the organized
9 day camp. Day camps shall use the same counselor-to-camper
10 ratio as that required of organized camps. All employees of an
11 organized day camp shall have a criminal record check as specified
12 in subdivision (a) of Section 30751 of Title 17 of the California
13 Code of Regulations.

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

17 (A) The American Camp Association.

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

19 (C) Christian Camp and Conference Association.

20 (D) Western Association of Independent Camps.

21 (E) The Boy Scouts of America.

22 (F) The YMCA.

23 (G) Other similar camping associations.

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

28 (c) The term “organized camp” or “organized day camp” also
29 does not include any charitable or recreational organization that
30 complies with the rules and regulations for recreational trailer
31 parks.

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

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

36 18897.8. (a) An organized camp or day camp shall develop a
37 written operating plan and file the plan with the local health
38 department at least 30 days prior to operation. The local health
39 department shall acknowledge receipt of the operating plan within
40 30 days. The acknowledged plan shall be posted, with the

1 accompanying acknowledgment letter, in a conspicuous location,
2 on camp premises, and on any available Internet Web site
3 associated with the camp.

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

13 (A) The American Camp Association.

14 (B) The Association of Challenge Course Technology.

15 (C) Project COPE standards.

16 (D) An equivalent certification program.

17 (2) A written operating plan prepared pursuant to this
18 subdivision shall be filed with the local health department at least
19 30 days prior to construction, and shall also be filed annually
20 thereafter. Camps shall submit their plans and any associated fees
21 to the local health department by certified mail.

22 SEC. 6. Section 18897.9 is added to the Health and Safety
23 Code, to read:

24 ~~18897.9. The director and all camp counselors of an organized~~
25 ~~camp and organized day camp shall not have direct unsupervised~~
26 ~~contact without first obtaining a satisfactory criminal history record~~
27 ~~check from the California Department of Justice, Bureau of~~
28 ~~Criminal Identification or the United States Department of Justice~~
29 ~~National Sex Offender Public Registry.~~

30 *18897.9. If a director or camp counselor is registered with the*
31 *trustline registry established pursuant to Chapter 3.35*
32 *(commencing with Section 1596.60) of Division 2, that director*
33 *or counselor may have direct supervision of any child. If a director*
34 *or camp counselor is not registered with the trustline registry, that*
35 *director or counselor may have direct, unsupervised contact with*
36 *a child only after the camp owner confirms that he or she is not*
37 *listed on the United States Department of Justice National Sex*
38 *Offender Public Registry. In addition, a director or counselor is*
39 *strongly encouraged to seek a criminal history check from the*

- 1 *California Department of Justice, Bureau of Criminal Identification*
- 2 *and Information.*

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