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Valinda Bolton
By: _____

H.B. No. 2740

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of youth camps.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 141.002, Health and Safety Code, is amended by adding Subdivisions (2-a), (4-a), and (4-b) and amending Subdivision (5) to read as follows:

(2-a) "Hazardous activity" includes waterfront activities, archery, horseback riding, challenge courses, riflery, and other activities that require special technical skills, equipment, or safety regulations.

(4-a) "Short-term camp" includes any camp not operated as part of a child care facility required to be licensed with the Department of Family and Protective Services, operates for at least 14 days, consecutively or nonconsecutively, each year, and:

(A) operates during any portion of the day between 7 a.m. and 10 p.m.; or

(B) provides residential services, including overnight accommodations for all or part of the camp session.

(4-b) "Waterfront activity" means a recreational or instructional activity occurring in, on, or near a waterfront and includes swimming, boating, waterskiing, scuba diving, rafting, tubing, synchronized swimming, and sailing.

(5) "Youth camp" means a facility or property, not operated as part of a child care facility [~~other than a facility~~] required to be licensed by the Department of Family and Protective [~~and Regulatory~~] Services, that:

(A) has the general characteristics of a day camp, short-term camp, resident camp, or travel camp;

(B) is used primarily or partially to provide one or more [~~for~~] recreational, athletic, religious, or educational activities primarily in an outdoor environment; and

(C) accommodates at least five minors who attend or temporarily reside at the camp:

(i) for all or part of at least four days; or

(ii) for one or more days if the camp is a short-term camp.

SECTION 2. Chapter 141, Health and Safety Code, is amended by adding Section 141.0071 to read as follows:

Sec. 141.0071. GENERAL INVESTIGATIVE AUTHORITY.

(a) The department may conduct any inspection or cause the production of any documentary or other evidence that the department considers to be necessary to determine whether the license should be:

(1) issued, renewed, delayed, or denied; or

(2) modified or revoked.

(b) The department may require additional written information and assurances from the applicant or license holder at any time

after the filing of an application for a license and before the expiration of the license.

SECTION 3. Chapter 141, Health and Safety Code, is amended by adding Section 141.0072 to read as follows:

Sec. 141.0072. INTERFERENCE WITH INVESTIGATION OR INSPECTION; COURT ORDER. (a) A person may not interfere with an investigation or inspection of a youth camp conducted by the department under this chapter.

(b) During an investigation or inspection of a youth camp under this chapter, the youth camp shall cooperate with the department and allow the department to:

(1) access the records of the youth camp;

(2) access any part of the premises of the youth camp;

and

(3) interview any employee or other person who is present at the youth camp and who may have information relevant to the investigation or inspection.

(c) If access to the records or premises of the youth camp cannot be obtained, a district court in Travis County or in the county in which the youth camp is located, for good cause shown and without prior notice or a hearing, shall issue an order granting the department access to the records or premises in order to conduct the inspection, investigation, or interview.

(d) To assist the department in investigating whether a person is operating a youth camp without a required license, a

district court in Travis County or in the county in which the suspected youth camp is located may, for good cause shown and without prior notice or a hearing, issue an order allowing the department to enter the suspected youth camp at a time when the department's evidence shows that the suspected youth camp may be providing services subject to regulation under this chapter.

SECTION 4. Section 141.009, Health and Safety Code, is amended to read as follows:

Sec. 141.009. STANDARDS. (a) The executive commissioner of the Health and Human Services Commission in conjunction with stakeholders as defined in Sec. 141.008 [~~board~~] by rule shall establish health and safety standards for youth camps.

(b) The standards may relate to:

(1) adequate and proper supervision at all times of camp activities;

(2) qualifications for directors, supervisors, and staff and sufficient numbers of those persons;

(3) proper safeguards for sanitation and public health;

(4) adequate medical services for personal health and first aid;

(5) proper procedures for food preparation, handling, and mass feeding;

(6) healthful and sufficient water supply;

(7) proper waste disposal;

(8) proper water safety procedures for waterfront

activities, swimming pools, lakes, and waterways;

(9) safe boating equipment;

(10) proper maintenance and safe use of motor vehicles,
including rules ensuring the safe transportation of children by
employees of a youth camp;

(11) safe buildings and physical facilities;

(12) proper fire precautions;

(13) safe and proper recreational and other equipment;

(14) proper regard for density and use of the premises;

and

(15) records of criminal convictions of camp personnel.

SECTION 5. Chapter 141, Health and Safety Code, is amended by adding Section 141.0094 to read as follows:

Sec. 141.0094. LIABILITY INSURANCE. A youth camp that allows campers to engage in a hazardous activity shall maintain liability insurance coverage in the amount of at least \$300,000 for each occurrence of injury. An insurance policy or contract required under this section must cover an injury to a child that occurs while the child is in the care of the youth camp:

(a) on the premises of the youth camp,

(b) off the premises of the youth camp, and

(c) in or on a motor vehicle, boat, amusement ride, horse, or otherwise in transit.

SECTION 6. (a) The executive commissioner of the Health and Human Services Commission shall adopt rules to implement the

changes in law made by this Act as soon as practicable.

(b) The changes in law made by this Act apply to a license to operate a youth camp initially issued or renewed on or after the effective date of this Act. A license to operate a youth camp issued or renewed before the effective date of this Act is governed by the law in effect on the date the license was issued or renewed, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.