

AMENDED IN ASSEMBLY APRIL 3, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1964

Introduced by Assembly Member Maienschein
(Coauthor: Assembly Member Mathis)

January 30, 2018

An act to amend Section 18897 of, 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

AB 1964, as amended, Maienschein. Organized camps.

Existing law requires the State Public Health Officer to establish rules and regulations establishing minimum standards for organized camps, and regulations governing the operation of organized camps that he or she 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 recast those provisions and instead define an “organized camp” to include an “organized resident camp” and an “organized day camp,” as specified, that provides activities that promote environmental-awareness-and-education *awareness, well-being, and appreciation of the outdoors* for children under 18 years of age or adults with activity limitations or participation restrictions. The bill would exclude various programs and facilities from the definition of “organized camp” for these purposes. The bill would require the included camps to issue a written notice of intent to operate, develop a written operating plan, and submit the plan, or written verification that the camp is accredited by the American Camp Association, to the local enforcement

agency at least 45 days prior to commencing operation of the camp. The bill would also require those camps to, among other things, meet the applicable requirements of regulations governing organized camps, ~~camps and~~ store firearms in a locked storage cabinet when not in use, as specified, and submit a written vector and pest control plan. ~~specified.~~ The bill would also require ~~those camps~~ *a tier 1 organized day camp, as defined, or an organized resident camp* to obtain a ~~permit~~ permit, and certain tier 2 organized day camps to obtain a registration, to operate from the local enforcement agency and to post the permit or authorization, as specified.

The bill would authorize the local enforcement to inspect the ~~camp,~~ except with respect to certain organized resident camps, ~~camp~~ and charge fees for camp oversight activities. The bill would also authorize a person alleging health and sanitation violations to file a complaint with the local enforcement agency and require the local enforcement agency to investigate. The bill would also require the State Department of Public Health, in adopting or amending the rules and regulations pertaining to organized camps, to make reasonable efforts to obtain the input and advice of prescribed organizations.

Because this bill would impose additional duties upon local enforcement agencies regarding the oversight of organized camps, it would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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 that operates ~~seasonally~~ *primarily*
- 5 *outdoors* to provide group-based recreation and expanded learning
- 6 opportunities with social, spiritual, educational, or recreational
- 7 activities that promote environmental ~~awareness and education~~
- 8 *awareness, well-being, and appreciation of the outdoors* for

1 children under 18 years of age or adults with activity limitations
2 or participation restrictions

3 (1) A group that leases an organized camp site for the purpose
4 of conducting a camp shall comply with this part.

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

6 (A) A hotel, motel, tourist camp, trailer park, resort, hunting
7 camp, auto court, labor camp, penal or correctional camp, drug
8 and alcohol resident rehabilitation program, a facility licensed by
9 the state, or a facility subject to occupancy taxes, home-finding
10 agencies, or a licensed child day care facility as defined in Section
11 1596.750.

12 (B) A charitable or recreational organization that complies with
13 the rules and regulations for recreational trailer parks.

14 (C) Sites or programs that are used by adults or groups for
15 counseling, religious retreats, reunions, conferences, and special
16 events ~~on an intermittent, short-term basis~~ of less than four
17 consecutive overnight stays.

18 (D) Programs offered by cities, counties, or special districts.

19 (b) “Organized resident camp” means a site or sites with
20 programs and facilities established for the primary purposes of
21 providing group living experiences and that provides three or more
22 consecutive overnight stays during one or more seasons of the
23 year, excluding field trips as provided for under subparagraph (B)
24 of paragraph (1) of subdivision (c).

25 (c) “Organized day camp” means a program that is established
26 for the primary purpose of providing group experiences for children
27 under 18 years of age during the day, on days when school is
28 regularly not in session, for a minimum of four hours per day on
29 three or more consecutive days.

30 (1) An organized day camp ~~may may, at a minimum, do all both~~
31 of the following:

32 (A) Transport campers to parks, beaches, campsites, and other
33 locations for activities.

34 (B) Provide for offsite field trips for no more than three
35 consecutive days. Any organized day camp that provides offsite
36 field trips for more than two consecutive nights shall be considered
37 an organized resident camp.

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

1 supervisory experience at an organized day camp or a youth
2 program. The program director or his or her designee shall be
3 present at all times during the operation of the organized day camp.

4 (d) (1) “Tier 1 organized day camp” means an organized day
5 camp which offers any of the following:

6 (A) Multiple programs.

7 (B) Single-focus programs involving any of the following:
8 firearms, challenge courses, recreational water, archery, all-terrain
9 vehicles, go-karts, power tools, model rocketry, use of fire or
10 heat-producing equipment, or other like ~~activities~~. *activities, as*
11 *determined by the local enforcement agency.*

12 (C) ~~Food service~~. *service provided by a food facility subject to*
13 *Part 7 (commencing with Section 113700) of Division 104.*

14 (2) “Tier 2 organized day camp” means an organized day camp
15 which offers a single-focus program that is not listed in
16 subparagraph (B) of paragraph (1) and offers no food service.

17 (e) “Camper” means any person in an organized camp on a fee
18 or ~~non-fee~~ *nonfee* basis who is a participant in the regular ~~program~~
19 ~~and training program~~. *activities, and education* of an organized
20 camp including hiking, biking, crafts, environmental education,
21 and other like activities.

22 (f) “Food service” means either on-site food preparation or
23 distribution of nonprepackaged, potentially hazardous food.

24 SEC. 2. Section 18897.1 of the Health and Safety Code is
25 repealed.

26 SEC. 3. Section 18897.1 is added to the Health and Safety
27 Code, to read:

28 18897.1. (a) An organized day camp or an organized resident
29 camp shall do all of the following:

30 (1) Issue a written notice of intent to operate and develop and
31 submit a written operating plan pursuant to Section 30704 of Title
32 17 of the California Code of Regulations, or written verification
33 that the camp is accredited by the American Camp Association
34 (ACA), to the local enforcement agency at least 45 days prior to
35 commencing operation of the camp. The organized day camp or
36 organized resident camp shall develop and submit an annual notice
37 of intention pursuant to Sections 30703 and 30704 of Title 17 of
38 the California Code of Regulations.

39 (A) The local enforcement agency shall acknowledge receipt
40 of the operating plan or verification of accreditation described in

1 this paragraph within 30 business days of receiving the operating
2 plan or verification of accreditation.

3 (B) The enforcement agency shall issue to a tier 1 organized
4 day camp or an organized resident camp a permit to operate if both
5 of the following conditions are met:

6 (i) The written operating plan required in this paragraph includes
7 appropriate health and sanitation standards as described in Section
8 18897.2 or accreditation by the American Camp Association
9 (ACA) is verified.

10 (ii) In the case of a tier 1 organized day camp or an organized
11 resident camp, the local enforcement agency has conducted an
12 initial inspection of the premises of the tier 1 organized day camp
13 or organized resident camp to verify compliance with the
14 appropriate health and sanitation standards.

15 (C) (i) The local enforcement agency shall issue a ~~permit~~
16 *registration* to operate a tier 2 organized day camp if the tier 2
17 organized day camp satisfies the requirements of clause (i) of
18 subparagraph (B).

19 (ii) Except as required by subdivision (e), a *local enforcement*
20 *agency may require a tier 2 organized day camp* ~~shall not to be~~
21 subject to an initial or routine inspection.

22 (2) Meet the applicable requirements of Subchapter 6
23 (commencing with Section 30700) of Chapter 5 of Division 1 of
24 Title 17 of the California Code of Regulations.

25 (3) Store all firearms, including rifles, pellet guns, air guns, and
26 bows and arrows, in a locked cabinet designated for this use when
27 those items are not in use for authorized camp activities. The
28 director, or a qualified designee of the director that meets the
29 requirements of subdivision (a) of Section 30751 of Title 17 of
30 the California Code of Regulations, of the organized camp shall
31 maintain possession of the key to this cabinet.

32 (4) Obtain a permit pursuant to subparagraph (B) or *registration*
33 *pursuant to subparagraph (C)*, as applicable, of paragraph (1) and
34 post a copy of the permit *or registration* on the premises of the
35 organized day camp or organized resident camp and, if applicable,
36 on the Internet Web site of the organized day camp or organized
37 resident camp.

38 ~~(5) Submit a written vector and pest control plan pursuant to~~
39 ~~Section 30736 of Title 17 of the California Code of Regulations.~~

40 ~~(6) Receive~~

1 (5) *Provide* verification, either from the organization hiring the
2 director of the organized day camp or organized resident camp or
3 the local enforcement agency, of the director's criminal history
4 record check in order to ensure compliance with Section 30751 of
5 Title 17 of the California Code of Regulations.

6 ~~(7)~~

7 (6) In the case of an organized resident camp, install a carbon
8 monoxide detector in any building intended for human occupancy
9 that has a fossil fuel burning heater or appliance, a fireplace, or an
10 attached garage.

11 ~~(8)~~

12 (7) In the case of an organized day camp that does not have a
13 fixed location, obtain a ~~permit~~ *permit, registration*, or authorization
14 from the local enforcement agency for the location in which the
15 program begins.

16 (b) The local enforcement agency may inspect a tier 1 organized
17 day camp or organized resident camp and charge a fee for that
18 purpose, not to exceed the reasonable cost of the inspection. The
19 local enforcement agency shall provide, within 14 days, a summary
20 of any violations of health and safety standards established in the
21 rules and regulations establishing minimum standards for organized
22 camps.

23 (c) An organized day camp or organized resident camp that has
24 been cited for failing to meet legal requirements may appeal the
25 citation to the local health agency. The local health agency shall
26 issue a decision on that appeal within 30 business days and that
27 decision shall be final.

28 (d) Except as provided in clause (ii) of subparagraph (C) of
29 paragraph (1) of subdivision (a), the local enforcement agency
30 may, during the organized camp's hours of operation or at other
31 reasonable times, enter and inspect the premises of the organized
32 camp, issue citations, and secure any samples, photographs, or
33 other evidence from an organized camp or any facility suspected
34 of being an organized camp.

35 (e) A person alleging health and sanitation violations pursuant
36 to the regulations establishing minimum standards for organized
37 camps may file a complaint, either orally or in writing, with the
38 local enforcement agency. The local ~~public health officer~~
39 *enforcement agency* shall investigate any complaint received.

1 (f) The local ~~public health officer~~ *enforcement agency* may
2 charge a fee to recover any necessary costs incurred in
3 administering the provisions of this part relating to organized camp
4 oversight. The fee shall not exceed a reasonable cost of organized
5 camp oversight and related activities.

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

8 18897.8. The State Department of Public Health, in adopting
9 or amending the rules and regulations pertaining to organized day
10 camps and organized resident camps under this part, shall make
11 reasonable efforts to obtain the input and advice of organizations
12 in the field. All costs incurred by the participating organizations
13 shall be borne by the organizations themselves. The department
14 shall implement this section in the most cost-effective manner
15 deemed feasible.

16 SEC. 5. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 a local agency or school district has the authority to levy service
19 charges, fees, or assessments sufficient to pay for the program or
20 level of service mandated by this act, within the meaning of Section
21 17556 of the Government Code.