

**SUBJECT:** Licensing and regulation of recreational youth facilities and youth camps

**COMMITTEE:** Human Services — committee substitute recommended

**VOTE:** 7 ayes — Rose, Herrero, Darby, Hernandez, Hughes, Naishtat, Walle

0 nays

2 absent — Elkins, Legler

**WITNESSES:** For — Susan Ater, Baptist General Convention of Texas, Texas Baptist Camping Association; Danny Dawdy, Highland Lakes Camp and Conference Center, ACA Texoma Section Member Camps, Texas Baptist Camping Association Member Camps; Karl Plehn

Against — None

**BACKGROUND:** Health and Safety Code, ch. 141 establishes the Texas Youth Camp Safety and Health Act, governing the licensing and operation of youth camps. The Department of State Health Services (DSHS) licenses and investigates youth camps in Texas. The Department of Family and Protective Services (DFPS) licenses and investigates child-care facilities in Texas.

Health and Safety Code, sec. 141.002(2) defines a “day camp” as a camp that primarily operates during any portion of the day between 7 a.m. and 10 p.m. for four or more consecutive days, but may incidentally offer up to two overnight stays each camp session, not including facilities required to be licensed by the DFPS.

Health and Safety Code, sec. 141.002(4) defines a “resident youth camp” as any camp that provides residential services for four or more days, including overnight accommodations for the duration of the camp session.

Health and Safety Code, sec. 141.002(5) defines a “youth camp” as a facility or property, other than a facility or property required to be licensed by DFPS, that:

- has the general characteristics of a day camp, resident camp, or travel camp;

- is used for recreational, athletic, religious, or educational activities; and
- accommodates at least five minors who attend or temporarily reside at the camp for all or part of at least four days.

Current law does not provide licensing requirements for facilities offering children's activities for less than four consecutive days or for less than 120 total days per year, so many weekend and short-term camps are not regulated.

DIGEST:

CSHB 2740 would amend Health and Safety Code, ch. 141 to create the category of “recreational youth facility.” A recreational youth facility would be a facility or property, other than a child-care facility required to be licensed by DFPS or a youth camp that:

- operated for at least 14 days a year, consecutively or nonconsecutively;
- operated during a portion of the day between 7 a.m. and 10 p.m. or provided residential services, including overnight accommodations for all or part of the program session;
- provided one or more recreational, athletic, religious, or educational activities, primarily outdoors; and
- accommodated at least five minors who attended or temporarily resided apart from their parents or legal guardians.

The bill also would define “hazardous activity” to include waterfront activities, archery, horseback riding, challenge courses, riflery, and other activities that required special technical skills, equipment, or safety regulations.

The executive commissioner of the Health and Human Services Commission (HHSC) could set license fees for recreational youth facilities in an amount different from that of other camps, reflecting the differences in the costs of administration and enforcement. In addition, the executive commissioner could adopt rules recognizing and treating differently the types of services provided by a recreational youth facility, including rules relating to health and safety standards. In developing rules applicable to recreational youth facilities, the executive commissioner would consult with operators of recreational youth facilities and could consult with parents, appropriate public and private officials, and organizations.

CSHB 2740 would authorize DSHS to conduct inspections and order the production of any information necessary to determine whether a license should be issued, delayed, or denied, or whether a current license should be renewed, modified, suspended, or revoked. The bill would allow DSHS to access facility records and any part of the youth camp premises and interview any employee or adult present at the camp who may have information relevant to the investigation or inspection. If access were denied or could not be obtained, or if DSHS suspected an individual was operating a youth camp without the required license, the department could obtain an order granting access to records or the premises from a district court in Travis County, or in the county in which the camp or suspected camp was located.

The bill also would amend the Health and Safety Code by adding requirements to ensure the safe transportation of children by employees of a youth camp. In addition, a youth camp engaging in hazardous activities would have to maintain liability insurance coverage in the amount set by the executive commissioner by rule, to cover each occurrence of injury to a child under the camp's care, regardless of whether the injury occurred:

- on the premises of the youth camp;
- off the premises of the youth camp;
- while in transit in a motor vehicle or boat; or
- while on an amusement ride or on a horse.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009, and would apply to licenses to operate a youth camp or recreational youth facility issued or renewed on or after that date

**NOTES:**

In the fiscal note, LBB projects a positive impact to the state of \$95,615 for fiscal 2011 due to license fees required by the bill, which would offset the cost of three additional DSHS full-time equivalent employees (FTEs), and software modifications required to implement the bill.