

Date of Hearing: April 25, 2023

**ASSEMBLY COMMITTEE ON HUMAN SERVICES**

Corey A. Jackson, Chair

AB 262 (Holden) – As Amended April 18, 2023

**SUBJECT:** Children's camps: safety and regulation

**SUMMARY:** Requires the California state Department of Social Services (CDSS) to convene a stakeholder group to make specified recommendations for the regulation or licensing of children's camp safety. Specifically, **this bill**:

- 1) Requires CDSS to convene and consult with a stakeholder group on children's camp safety.
- 2) Requires the stakeholder group to include members from all of the following:
  - a) The State Department of Public Health (CDPH);
  - b) The State Department of Education (CDE);
  - c) The Department of Industrial Relation;
  - d) The Department of Parks and Recreation;
  - e) Parent advocate groups;
  - f) Children's advocates and safety groups;
  - g) For-profit and nonprofit recreational camps;
  - h) Local city and county parks departments and special district parks departments;
  - i) Local health departments and local environmental health departments;
  - j) Emergency service professionals; and,
  - k) Academic researchers.
- 3) Requires CDSS, by June 1, 2025, to issue its recommendations, as informed by the stakeholder group, in a report to the Legislature.
- 4) Requires, at a minimum, the report to include recommendations and cost of recommendations for all of the following:
  - a) The definition of a children's camp;
  - b) Child supervision requirements, including, but not limited to, child-to-counselor ratios and background checks, as appropriate, for administrators, employees, and volunteers; and,
  - c) Physical facility standards, including, but not limited to, facility maintenance requirements and minimization of hazards.

- 5) Graduated requirements for camp licensure, regulation, or both, according to the following criteria:
  - a) The length of time children are under camp supervision and away from the parent or caregiver; and/or,
  - b) The inherent risks of the activities offered at the camp.
- 6) Appropriate qualifications for camp administrators, employees, and volunteers, taking into consideration factors, including, but not limited to, both of the following:
  - a) Specialized training for activities that carry an inherent or heightened risk, including, but not limited to, the following:
    - i) Gun ranges;
    - ii) Horseback riding; and,
    - iii) Swimming.
  - b) Emergency training, including, but not limited to, CPR and treatment for allergic reactions.
- 7) Providing parents and caregivers with accessible and transparent camp information, including, but not limited to, camp safety history and written camp safety and emergency plans.
- 8) The government agency or agencies necessary to establish and enforce rules and regulations relating to children's camps, pursuant to the stakeholder group's recommendations.

**EXISTING LAW:**

- 1) Defines "organized camp" as meaning a site with program and facilities established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year. Further specifies that an organized camp does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp, does not include a child care institution or home-finding agency, nor does it include any charitable or recreational organization that complies with the rules and regulations for recreational trailer parks. (Health and Safety Code Section [HSC] 18897)
- 2) Defines "camper" as meaning any person in an organized camp on a fee or nonfee basis who is a participant in the regular program and training of an organized camp, and who may take on duties relating to such program and training. (HSC 18897.1)
- 3) Requires the Director of CDPH to adopt 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 campers. Further requires organized camps to comply with the building standards of the jurisdiction in which the camp is located, to the extent that those standards are not contrary to, or inconsistent with, the building standards adopted by the Director of CDPH. (HSC 18897.2(a))

- 4) Requires the Director of CDPH to adopt and enforce building standards relating to organized camps, as provided. (HSC 18897.2(a)-(b))
- 5) Requires the State Fire Marshall to adopt minimum fire safety regulations for organized camps, as provided. (HSC 18897.3)
- 6) Requires local health officers to enforce, within their jurisdiction, the building standards published in the State Building Standards Code relating to organized camps and other rules and regulations adopted by the Director of CDPH, as provided. (HSC 18897.4)
- 7) Prohibits organized camps from being subject to regulation by any state agency other than CDPH, the California regional water quality control boards, the State Water Resources Control Board, and the State Fire Marshal; provided, that this section shall not affect the authority of the Department of Industrial Relations to regulate the wages or hours of employees of organized camps and this section shall not be construed to limit the application of building standards published in the State Building Standards Code to structures in organized camps. (HSC 18897.6)
- 8) Prohibits an organized camp from operating in California unless each site or location in which the camp operates satisfies the minimum standards for organized camps prescribed in building standards published in the State Buildings Code relating to organized camps, and in other rules and regulations adopted by the Director of CDPH and the State Fire marshal, as provided. (HSC 18897.7)
- 9) Establishes the “Child Care and Development Services Act” for the purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services, as specified, for children from infancy to 13 years of age, and their parents, through full- and part-time programs. (Education Code Section [EDC] 8200 et seq.)
- 10) States legislative intent that all families have access to child care and development services, as specified, regardless of ethnic status, cultural background, or special needs, and the intent that subsidized child care and development services be provided to eligible families, to the extent funding is available. (EDC 8202)
- 11) Makes a series of legislative findings regarding child day care facilities’ contribution to a child’s emotional, cognitive and educational development; the intent of this state to provide a comprehensive, quality system for licensing child day care facilities to ensure a quality day care environment; and that the system of licensure requires a special understanding of the unique characteristics and needs of the children served by child day care facilities. (HSC 1596.72(a)-(c))
- 12) Establishes the “Child Day Care Facilities Act” (CDCFA), with CDSS as the licensing entity for child care centers and family child care homes, to ensure that working families have access to healthy and safe child care providers and that child care programs contribute positively to a child’s emotional, cognitive, and educational development, and are able to respond to, and provide for, the unique characteristics and needs of children. Further creates a separate licensing category for child daycare centers and family daycare homes within CDSS’s existing licensing structure through the CDCFA. (HSC 1596.70 et seq.)

- 13) States that the purposes of CDCFA are to streamline the administration of child care licensing and thereby increase the efficiency and effectiveness of this system; encourage the development of licensing staff with knowledge and understanding of children and child care needs; provide providers of child care with technical assistance about licensing requirements; enhance consumer awareness of licensing requirements and the benefits of licensed child care; recognize that affordable, quality licensed child care is critical to the well-being of parents and children in this state; and, promote the development and expansion of regulated child care. (HSC 1596.73)
- 14) Defines “child day care facility,” for the purpose of CDCFA, as meaning a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facilities include day care centers, employer-sponsored child care centers, and family day care homes. (HSC 1596.750)
- 15) Defines “daycare center,” for the purpose of CDCFA, to mean a child daycare facility other than a family daycare home, that includes infant centers, preschools, extended daycare facilities, school-age child care centers, and child care centers. (HSC 1596.76)
- 16) Exempts the following from meeting the requirements of the CDCFA: health facilities; community care facilities; a family child care home providing care for the children of only one family in addition to the operator’s own children; a cooperative arrangement between parents when no payment is involved; any arrangement for the receiving and care of children by a relative; any public recreation program, extended daycare programs operated by public or private schools; any school parent program or adult education child care program that satisfies certain requirements; any child daycare program that offers temporary child care services to parents who are on the same premises as the site of the program and meets other site requirements, as provided; and, any crisis nursery. (HSC 1596.792)
- 17) Defines a “public recreation program” as meaning a program operated by the state, city, county, special district, school district, community college district, chartered city, or chartered city and county, that meets either of the following criteria:
  - a) The program is operated only during hours other than normal school hours for kindergarten and grades 1 to 12, inclusive, in the public school district where the program is located, or operated only during periods when students in kindergarten and grades 1 to 12, inclusive, are normally not in session in the public school district where the program is located, for either: under 20 hours per week; or, for a total of 14 weeks or less during a 12 month period, regardless of whether the weeks are consecutive. In determining “normal school hours,” requires CDSS to consider the normal school hours or periods when students are normally not in session for students attending a year-round school, when appropriate.
  - b) The program is provided to children who are over the age of four years and nine months with sessions that run 12 hours per week or less and are 12 weeks or less in duration. Further provides programs to permit children to be enrolled in consecutive sessions throughout the year, however, prevents programs from enrolling children in a combination of sessions that total more than 12 hours per week for each child. (HSC 1596.792(g))

- 18) Requires an individual to obtain either a criminal record clearance or a criminal record exemption from CDSS before the individual's initial presence in a child day care facility, as provided. (HSC 1596.871)

**FISCAL EFFECT:** Unknown, this bill has not been analyzed by a fiscal committee.

**COMMENTS:**

**Background:** *CDSS' expertise in regulating childcare in California.* Childcare comes in many forms, including unlicensed care provided by family, friends and neighbors; early childhood education programs; licensed family daycare homes; and licensed child care centers. The licensure, maintenance, and operation of child day care centers and family daycare homes in the state are governed by CDCFA as discussed above. Existing law establishes minimum general health and safety requirements, staff-to-child ratios, and provider training and education requirements for licensed childcare. CDSS is charged with ensuring licensed childcare facilities meet health and safety standards through monitoring facilities, providing technical assistance, and establishing partnerships with providers, parents, and the child care community. These requirements also set parameters around the age, educational, and background requirements of those working or volunteering within licensed child care settings. For example, childcare staff must be at least 18 years of age and are fingerprinted so that a criminal history check can be conducted.

Community Care Licensing Division (CCLD) is responsible for licensing and monitoring the state's childcare centers and licensed school-age childcare facilities. In addition to approving new centers and facilities before they may open, CCLD is responsible for conducting unannounced site visits of all licensed child daycare facilities and homes. CCLD conducts random inspections of 30% of all childcare facilities annually, with each facility receiving a visit at least once every three years. Existing law provides for a number of exceptions that may trigger more frequent inspections, including reported violations of existing licensing requirements as specified through statute or regulation.

*Childcare providers exempt from licensing.* There are four main groups of childcare providers that are exempt from CDFA licensing requirements. These include: 1) individuals who care for the children of a relative, or who care for the children of one family in addition to their own, as well as certain parent cooperatives, in which families rotate care on an unpaid basis; 2) public, as well as private non-profit programs, that offer recreational services, including community center programs and park and recreation programs; 3) businesses that offer limited child care to their clients and customers, that are time limited and require the parent or guardian to remain on the premises, as provided; and, 4) programs that are overseen by other state agencies, such as organized camps which are licensed by CDPH and heritage schools, which are overseen by CDE.

Thus, for many of these unlicensed forms of care, another entity is responsible for overseeing and licensing the facility or program, while for others, like a family childcare home providing care for the child of only one family in addition to the operator's own children or for a parent cooperative arrangement when no payment is involved, the licensing requirements would be prohibitive to enabling parents and families to arrange their own less formal childcare arrangements.

*Camp oversight of organized/overnight camps.* Existing law establishes a limited regulatory framework for "organized camps", which are defined as "a site with a program and facilities

established for the primary purposes of providing an outdoor group living experience with social, spiritual, educational, or recreational objectives, for five days or more during one or more seasons of the year” meaning these sites ostensibly house campers overnight and do not apply to day camps. These “organized camps” must comply with minimum standards put in place through rules and regulations adopted by CDPH, as determined necessary by CDPH to protect the health and safety of campers. Additionally, existing law requires “organized camps” to comply with building standards adopted by CDPH, as well as the building standards of the jurisdiction in which the camp is located, to the extent that those standards are not contrary to, or inconsistent with, the building standards adopted by the Director of CDPH. Organized camps must also comply with minimum fire safety regulations adopted by the State Fire Marshall specifically for such sites.

Organized camps must annually submit verification that the organized camp is accredited by the American Camp Association (ACA) or a written description of operating procedures, as specified. The ACA accreditation program is an independent national peer-review program of camp operations and has certified over 2,400 camps in 2022. According to ACA’s 2022 Impact Report, there are over 15,000 camps nationwide, employing 1.2 million staff and impacting 26 million campers and their families. ACA indicates it collaborates with experts from the American Academy of Pediatrics, the American Red Cross, and other youth-serving agencies to assure that current practices at camps reflect the most up-to-date, research-based standards in camp operation from staff qualifications and training to emergency management. Camps and ACA form a partnership that promotes growth and fun in an environment committed to safety. ACA accreditation typically goes beyond basic licensing requirements such as considerations of staff-to-camper ratios that are appropriate for different age groups; goals for camp activities that are developmentally based; emergency transportation available at all times; and, first-aid facilities and trained staff available when campers are present.

These above requirements do not apply to the majority of day camps, which provide children and youth with activities and programming during periods of the year when school is not in session. These camps typically do not have a fixed site, but rather operate at parks, beaches, churches, schools, Boys and Girls Clubs, or YMCA facilities, and are therefore not subject to the laws that currently regulate “organized camps.”

These day camps are an important piece to childcare as they typically provide parents with an alternative form of child care when school is out of session. Their operation fills in a week day childcare need faced by families during the summer months. However, these camps are not child childcare facilities, and thus are not covered by the licensing requirements a daycare or child care center must comply with.

**Author’s Statement:** According to the Author, “This coming summer, children from all over California will attend thousands of camps. Of these camps, only overnight camps are required to follow state regulations and virtually none are inspected to ensure the safety of children attending. Day camps attended by children, which constitute the vast majority of camps in California, are not required to follow any regulations or laws regarding child safety. This large hole in regulation has contributed to the harm children at camp have endured. Our state’s camp safety regulations must change so parents can rest assured their child will return home safely.”

**Need for this bill:** This bill seeks to establish a stakeholder group to inform CDSS to make recommendation for a regulatory framework for day camps in California. This bill only requires

the group meets and makes recommendations and does not require a permanent licensing or regulatory framework, yet.

For the past nine years, a variation of this bill establishing some type of regulatory framework for day camps has been introduced. This effort is a result of adverse events occurring at day camps which do not have oversight. Recent attempts include placing oversight with CDPH, mirroring organized camps' regulatory requirements, directing the California Health and Human Services Agency to decide the best way to regulate these day camps. None of these bill versions have been signed into law. Consequently, continuing down a path with an unregulated childcare-like industry free of oversight.

**Equity Implications:** Day camps serve as an important piece in childcare for children during school breaks with working parent(s). These camps typically provide all-day supervision for children who cannot attend an overnight or organized camp and provide important enrichment activities while satisfying a childcare need. Regulation of spaces typically stem from a need to protect consumers. In this case, the consumer is a child. Protecting children's lives and safety is crucial and should be a priority. Childcare most deeply impacts women and their ability to work. Thus, ensuring a safe environment is important to help allow women to continue in the workplace.

#### **RELATED AND PRIOR LEGISLATION:**

**AB 1737 (Holden) of 2022**, would have required the Secretary of the California Health and Human Services Agency, in coordination with the Director of CDSS, to lead the development and implementation of a master plan for children's camp safety. *AB 1737 was placed on the inactive file in the Assembly and not taken up for a final vote.*

**SB 217 (Portantino) of 2020**, would have required organized or recreational camps to obtain a license from their local health agency, as well as required the camp to meet various requirements such as: staffing and supervision requirements; criminal history background check; camp safety; establishment of emergency action plan; requirements for swimming and aquatic activities; archery; horseback riding; and, firearm activities, among other changes. *The Assembly Health Committee hearing for SB 217 was canceled at the request of the author.*

**AB 1964 (Mainschein) of 2018**, would have required CDPH to issue regulations related to day camps and requires local enforcement agencies to issue permits for and regulate day camps. *AB 1964 was held on the Assembly Appropriations Committee suspense file.*

**SB 476 (Mendoza) of 2015**, would have redefined organized camps and separated them into two types: resident camps and day camp. It would have required organized day camps to follow existing public health and safety codes and regulations. *SB 476 was held on the Assembly Appropriations Committee suspense file.*

**SB 443 (Walters) of 2014**, would have defined organized camps and organized day camps and would have established requirements regarding their operation. *SB 443 was held on the Assembly Appropriations Committee suspense file.*

**SB 1087 (Walters), Chapter 652, Statutes of 2012**, exempts organized camps from licensure required for day care centers.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

*April 18, 2023, version of the bill:*

California Association of Environmental Health Administrators (CAEHA)

California State Alliance of YMCAs

*March 15, 2023, version of the bill:*

California State Association of Counties (CSAC)

County Health Executives Association of California (CHEAC)

Health Officers Association of California

Rural County Representatives of California (RCRC)

Urban Counties of California (UCC)

**Opposition**

*March 15, 2023, version of the bill:*

Alliance Redwoods Conference Grounds

AstroCamp

Bar 717 Ranch, INC

Boy Scouts of America

Boys & Girls Clubs of San Francisco

Cali Camp

California Association of Recreation & Park Districts

California Coalition for Youth

Camp Kinneret

Camp Stevens

Camp Sugar Pine

Campus by the Sea, INC.

Carmel Valley Tennis Camp

Catalina Island Camps

Catalina Sea Camp

Cazadero Baptist Camp

Friends of Camp Natoma INC

Gold Arrow Camp

Golden Empire Council, Boy Scouts of America

Golden Gate Area Council, Boy Scouts of America

Greater Los Angeles Area Council, Boy Scouts of America

Guided Discoveries

Hartland Christian Camp

Jameson Ranch Camp, LLC

Jefunira Camp

Jewish Community Camps and Retreats Center (camp Mountain Chai)

Kennolyn Camps

Leoni Meadows Camp

Long Beach Area Council

Long Beach Area Council, Boy Scouts of America

Los Padres Council, Boy Scouts of America & the Outdoor School



Mountain Camp  
Mount Hermon Christian Camps and Conference Center  
Outpost Summer Camps  
Pali Adventures  
Pali Camp  
Peninsula Activities, INC.  
R.M. Pyles Boys Camp  
Redwood Empire Council, Boy Scouts of America  
Regular Baptist Conference of Southern California (dba Victory Ranch)  
River Way Ranch Camp  
San Diego - Imperial Council, Boy Scouts of America  
Shaffer's High Sierra Camp  
Southern Sierra, Boy Scouts of America  
Summerkids Camp  
Tocaloma Summer Day Camp  
Tom Sawyer Camps  
Valley Industry and Commerce Association (VICA)  
Valley Trails Summer Camp  
Ventura County Council, Boy Scouts of America  
Western Association of Independent Camps  
Western Los Angeles County Council, Boy Scouts of America  
YMCA of Orange County  
Yosemite Sierra Summer Camp  
22 private citizens

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