

H.795

Introduced by Representatives Greer of Bennington and Hango of Berkshire

Referred to Committee on

Date:

Subject: Health; food and lodging establishments; children's camps; health and
safety

Statement of purpose of bill as introduced: This bill proposes to create
additional health and safety requirements for the licensure of children's camps
and extend licensure requirements to day camps.

An act relating to children's camps

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. chapter 85 is amended to read:

CHAPTER 85. FOOD AND LODGING ESTABLISHMENTS

Subchapter 1. Food and Lodging Establishments Generally

§ 4301. DEFINITIONS

(a) As used in this chapter:

* * *

(2) "Children's camp" means any day or residential camp for children

that:

1 (A) offers a combination of programs and facilities established for
2 the primary purpose of providing an experience to children; and

3 (B) is operated for five or more consecutive days during one or more
4 seasons of the year; ~~and~~

5 ~~(C) provides 24 hours a day supervision of children.~~

6 * * *

7 Subchapter 3. Children's Camps

8 § 4371. DEFINITIONS

9 As used in this subchapter:

10 (1) "Cabin" means a structure used to provide temporary sleeping
11 quarters for campers.

12 (2) "Camper" means a youth under 18 years of age who is attending a
13 children's camp on a day or residential basis.

14 (3) "Flood hazard area" has the same meaning as area of special flood
15 hazard under 44 C.F.R. § 59.1.

16 (4) "Health and Safety Team" means the Children's Camp Health and
17 Safety Team established in section 4372 of this chapter.

18 (5) "Mapped river corridor" means a river corridor drawn and adopted
19 by the Secretary of Natural Resources as part of the statewide River Corridor
20 Base Map Layer in accordance with the Flood Hazard Area and River Corridor

1 Protection Procedure for rivers and streams with a watershed area greater than
2 two square miles.

3 (6) “Regional emergency management committee” means a local
4 organization for emergency management in accordance with the State
5 emergency management plan and program as described in 20 V.S.A. § 6.

6 § 4372. CHILDREN’S CAMP HEALTH AND SAFETY TEAM

7 (a) Creation. There is established the Children’s Camp Health and Safety
8 Team within the Department of Health for the purposes of recommending
9 minimum health and safety standards for children’s camps to the
10 Commissioner of Health and the General Assembly and reviewing and
11 approving children’s camps’ emergency plans.

12 (b) Membership. The Health and Safety Team shall be composed of:

13 (1) a representative of the Department of Health, appointed by the
14 Commissioner;

15 (2) the Commissioner of Public Safety or designee;

16 (3) the Commissioner of Financial Regulation or designee; and

17 (4) the Commissioner of Forests, Parks and Recreation or designee.

18 (c) Powers and duties. The Health and Safety Team shall convene not less
19 than quarterly to:

1 (1) develop and recommend health and safety policies for children's
2 camps, including recommendations that may require amendment to State law
3 or rule; and

4 (2) review and approve emergency plans submitted by children's camps
5 in the State.

6 (d) Assistance. The Health and Safety Team shall have the administrative,
7 technical, and legal assistance of the Department of Health.

8 (e) Meetings.

9 (1) The member appointed by the Commissioner of Health shall serve as
10 chair.

11 (2) A majority of the membership shall constitute a quorum.

12 § 4373. ADDITIONAL LICENSURE REQUIREMENTS

13 (a) In addition to the requirements in subchapters 1 and 2 of this chapter, a
14 children's camp shall meet the following health and safety requirements to
15 obtain a license to operate under this chapter:

16 (1) develop and adopt an approved emergency plan pursuant to section
17 4374 of this chapter;

18 (2) maintain an operable radio capable of providing real-time weather
19 alerts issued by the National Weather Service or a similar professional weather
20 service at the children's camp;

1 (3) install and maintain at the children's camp an emergency warning
2 system that:

3 (A) is capable of alerting all campers and camp occupants of an
4 emergency; and

5 (B) includes a public address system that is operable without reliance
6 on an internet connection;

7 (4) monitor safety alerts issued by:

8 (A) the National Weather Service or a similar professional weather
9 service; and

10 (B) if applicable to the children's camp, local river authorities or
11 through other local emergency notification systems;

12 (5) conspicuously post the proper evacuation route, as described in the
13 approved emergency plan required pursuant to section 4374 of this chapter, in
14 each cabin on the premises of the children's camp;

15 (6) ensure each evacuation route on the premises of the children's camp
16 is illuminated at night; and

17 (7) provide and maintain on the premises of the children's camp:

18 (A) fiber-optic internet service; and

19 (B) a secondary broadband internet service that is distinct from the
20 fiber-optic internet service required under subdivision (A) of this subdivision

21 (7).

1 (b) The Department may suspend any children's camp license if it finds
2 that the children's camp is not in compliance with this chapter. It may
3 reinstate a suspended license only after the Department determines the
4 children's camp has come into compliance with the chapter.

5 § 4374. EMERGENCY PLAN

6 (a) A children's camp shall develop and implement an emergency plan
7 that:

8 (1) specifies muster zones for campers and camp staff to gather during
9 an emergency event that requires evacuation from any location within the
10 children's camp premises;

11 (2) establishes procedures for responding to an emergency event,
12 including:

13 (A) a lost camper;

14 (B) a fire on the children's camp premises;

15 (C) a severe injury, severe illness, serious accident, or death of one or
16 more campers, visitors, camp staff, or camp volunteers that occurs on the
17 children's camp premises or while under the supervision of camp staff;

18 (D) an aquatic emergency if the children's camp borders a
19 watercourse, lake, pond, or any other body of water;

1 (E) an epidemic;

2 (F) an unauthorized or unknown individual present on the children's
3 camp premises;

4 (G) a transportation emergency; or

5 (H) any other natural disaster or emergency event required by rule;

6 (3) establishes a procedure to identify and account for each camper
7 affected by an emergency event;

8 (4) establishes procedures to notify and communicate with:

9 (A) local emergency management services, including the regional
10 emergency management committee operating in the region in which the
11 children's camp is located;

12 (B) the children's camp administrative and medical services staff;
13 and

14 (C) the parents and legal guardians of each camper affected by an
15 emergency event; and

16 (5) designates an emergency preparedness coordinator on the premises
17 of the children's camp.

18 (b) A children's camp may consult with the regional emergency
19 management committee operating in the region in which the children's camp is
20 located in developing its emergency plan.

1 (c)(1) Annually, at least four months prior to the children's camp opening
2 for the season, the children's camp shall submit a copy of its proposed
3 emergency plan developed pursuant to this section to the Health and Safety
4 Team for review and approval. The proposed emergency plan shall be
5 submitted in a form and manner prescribed by the Health and Safety Team.

6 (2)(A) If the Health and Safety Team determines that a children's
7 camp's proposed emergency plan does meet the minimum standards prescribed
8 in this chapter and in rule, the Health and Safety Team shall approve the
9 emergency plan. A children's camp shall include its approved emergency plan
10 as an addendum to each application for licensure or licensure renewal.

11 (B) If the Health and Safety Team determines that the children's
12 camp's proposed emergency plan does not meet the minimum standards
13 prescribed in this chapter and in rule, the Health and Safety Team shall advise
14 the children's camp to revise and resubmit the proposed emergency plan within
15 30 days after receiving notice from the Health and Safety Team of the
16 proposed emergency plan's deficiencies.

17 (d) Annually, a children's camp shall provide a copy of its most recently
18 approved emergency plan to:

19 (1) the regional emergency management committee operating in the
20 region in which the children's camp is located;

1 (2) the parent or legal guardian of each camper; and

2 (3) camp staff and any volunteers.

3 (e)(1) The Department shall store in a digital database each approved
4 emergency plan submitted by a licensed children's camp and shall provide
5 access to the database to the Department of Public Safety's Division of
6 Emergency Management and members of the Health and Safety Team.

7 (2) Notwithstanding subdivision (1) of this subsection, any approved
8 emergency plan stored in the Department's digital database shall be exempt
9 from public inspection and copying under the Public Records Act and shall be
10 kept confidential, provided that an approved emergency plan that is no longer
11 current shall be available for public inspection and copying 10 years after the
12 date on which the plan was adopted.

13 (f)(1) A children's camp shall notify the Health and Safety Team in the
14 form and manner prescribed by the Team if the children's camp modifies a
15 structure intended to facilitate children's camp activities or the location of a
16 camp activity on the premises of the children's camp.

17 (2) Upon receiving the notification, the Health and Safety Team may
18 require the children's camp to update its emergency plan and resubmit it to the
19 Health and Safety Team for approval.

1 § 4375. FLOOD HAZARD AREAS; PARENTAL NOTIFICATION

2 If any area of a children's camp is located within a flood hazard area or
3 mapped river corridor, the children's camp shall notify the parent or legal
4 guardian of each current and prospective camper in writing. The children's
5 camp shall obtain a written statement acknowledging receipt of this notice
6 from each camper's parent or guardian prior to the start of the camper's
7 attendance at the children's camp.

8 § 4376. TRAINING AND SAFETY ORIENTATION

9 (a) Each year prior to the arrival of campers, a children's camp shall:

10 (1) ensure each staff member and volunteer successfully completes a
11 training on the children's camp's approved emergency plan in compliance with
12 any minimum standards required by the Department by rule;

13 (2) instruct each staff member and volunteer on the proper procedures to
14 follow in an emergency event under the approved emergency plan; and

15 (3) maintain written records documenting each staff member's and
16 volunteer's participation in and successful completion of the training required
17 pursuant to this subsection.

18 (b) Within the first 48 hours of the start of any children's camp session, a
19 camp staff member shall conduct a mandatory health and safety orientation
20 that:

1 (1) notifies each camper of the children's camp's boundaries and any
2 hazards present on the camp premises;

3 (2) instructs each camper on behavioral expectations in an emergency
4 event; and

5 (3) provides each camper with developmentally appropriate instruction
6 on the procedures to follow in an emergency event in accordance with the
7 children's camp approved emergency plan required under section 4374 of this
8 chapter.

9 § 4377. COMPLAINT AND INSPECTION PROCESS

10 (a)(1) The Department shall maintain on its website a publicly accessible
11 complaint page for use by any individual, including a camper, parent or legal
12 guardian, camp staff member, or volunteer, who wishes to report that a
13 children's camp is noncompliant with this chapter.

14 (2) Each licensed children's camp shall maintain a link to the
15 Department's complaint page in a prominent location on its website.

16 (b) The Department shall investigate each complaint filed with the
17 Department using the publicly accessible web page or by other means to
18 ensure a children's camp is properly implementing its approved emergency
19 plan and other obligations under this chapter. Each investigation shall include
20 an in-person inspection of the children's camp in question.

1 § 4378. RULEMAKING

2 The Department shall adopt rules pursuant to 3 V.S.A. chapter 25 to
3 implement the provisions of this subchapter. The rules shall also include
4 minimum camper-to-counselor ratios for overnight stays at children's camps.

5 Subchapter 34. Serving Milk to Public

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7 Subchapter 45. Bakeries

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9 Subchapter 56. Salvage Food Facilities

10 * * *

11 Subchapter 67. Temporary Outdoor Seating

12 * * *

13 Subchapter 78. Short-Term Rentals

14 * * *

15 Sec. 2. EFFECTIVE DATE

16 This act shall take effect on passage.