

AUTHOR'S COPY

LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, Portantino.
General Subject: Recreational and organizational camps.

Existing law requires the State Public Health Officer to establish rules and regulations establishing minimum standards for organized camps. Existing law requires the State Fire Marshal to adopt minimum fire safety regulations for organized camps. Existing law requires local health officers to enforce building standards relating to organized camps and the other rules and regulations adopted by the State Public Health Officer. Existing law defines "organized camp," for these purposes, 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 5 days or more during one or more seasons of the year, except as specified.

This bill would additionally define "recreational camp" as a camp that operates for profit or nonprofit purposes, serves 5 or more children, and operates for at least 5 days during any season. The bill would exempt a licensed daycare facility from the definition of recreational camp.

This bill would require an organized camp and a recreational camp to obtain a license from the local agency of the jurisdiction where the camp is located before operating a camp. The bill would establish a procedure for a camp to submit an application to a local agency for a license and would authorize a local agency to charge an application fee in a specified amount. The bill would require the local agency to inspect a camp for compliance with these provisions before issuing a license to operate.

This bill would additionally require the State Public Health Officer to adopt rules and regulations governing the operation of recreational camps. The bill would require the State Fire Marshal to adopt minimum fire safety regulations for recreational camps. The bill would require local health officers to enforce building standards and the other rules and regulations adopted by the State Public Health Officer relating to recreational camps, in addition to organized camps. The bill would require each local agency to report to the State Department of Public Health whether each camp within its jurisdiction complies with the licensing and operational requirements established in the bill. By requiring local agencies to enforce these building standards and other regulations, the bill imposes a state-mandated local program.



This bill would establish the Recreational Camp Safety Advisory Council within the state government to advise and consult on policy matters relating to recreational camps, as specified.

This bill would require each recreational camp to employ a camp director that meets specified requirements and a health director that meets specified requirements. The bill would impose various age and training requirements on camp counselors, junior counselors, and other staff and volunteers. The bill would require each camp operator to review the criminal background of each camp staff member and volunteer. The bill would require each recreational camp to develop an emergency action plan and require each counselor and member of camp staff to be trained in the procedures of the plan. The bill would require each camp to comply with a specified counselor-to-camper ratio, depending on the age of the campers and the specific activities provided. The bill would require the health director to develop a health care policy for the camp that addresses various camp procedures, including daily health supervision, medication storage and administration, and the provision of medical, nursing, and first aid services.

This bill would impose specified requirements on specific camp activities including, among others, riflery, archery, horseback riding, climbing, swimming, and scuba diving. The bill would require each camp to obtain specified certifications before offering high-risk activities.

This bill would authorize a local agency to levy a civil penalty on each camp that fails to comply with the requirements of the bill, in an amount not to exceed \$200 per day until the local agency finds the camp is in compliance.

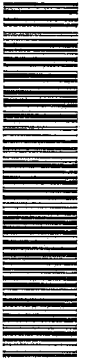
The Child Abuse and Neglect Reporting Act requires a mandated reporter, which includes an administrator of a public or private day camp, to report whenever the mandated reporter, in a professional capacity or within the scope of employment, has knowledge of or has observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor.

This bill would designate a recreational camp operator, camp director, or other staff of a recreational camp licensed pursuant to these provisions as a mandated reporter. By expanding the scope of a crime and requiring local officials to receive additional reports of suspected child abuse or neglect, this bill 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 specified reasons.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



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An act to amend Sections 18897.1, 18897.2, 18897.3, 18897.4, 18897.6, 18897.7, and 113948 of, to add the headings of Chapter 1 (commencing with Section 18897) and Chapter 2 (commencing with Section 18897.2) to Part 2.4 of Division 13 of, to add Chapter 3 (commencing with Section 18897.10), Chapter 4 (commencing with Section 18897.20), Chapter 5 (commencing with Section 18897.30), Chapter 6 (commencing with Section 18897.45), and Chapter 7 (commencing with Section 18897.50) to Part 2.4 of Division 13 of, and to repeal and add Section 18897 of, the Health and Safety Code, and to amend Section 11165.7 of the Penal Code, relating to public health.



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The heading of Chapter 1 (commencing with Section 18897) is added to Part 2.4 of Division 13 of the Health and Safety Code, to read:

CHAPTER 1. DEFINITIONS

SEC. 2. Section 18897 of the Health and Safety Code is repealed.

~~18897. (a) "Organized camp" means 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.~~

~~(b) The term "organized camp" does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, penal or correctional camp and does not include a child care institution or home-finding agency.~~

~~(c) The term "organized camp" also does not include any charitable or recreational organization that complies with the rules and regulations for recreational trailer parks.~~

SEC. 3. Section 18897 is added to the Health and Safety Code, to read:

18897. (a) This part shall be known, and may be cited, as Roxie Rules.

(b) the Legislature finds and declares:

(1) On June 28, 2019, Roxie Mirabelle Forbes tragically drowned at age six while attending a recreational day camp in Altadena, California. The camp was not licensed.

(2) That there is an urgent need to establish a coordinated and comprehensive statewide system of licensing and oversight of recreational camps, to ensure children's safety and well-being.

(c) Therefore, it is the intent of the Legislature to develop policies and programs designed to ensure that recreational camps for children are safe, sanitary, and operated by individuals qualified to provide services to children, and to provide for a program of licensing and oversight of recreational camp operations and facilities to ensure minimum standards are uniformly enforced throughout the state.

SEC. 4. Section 18897.1 of the Health and Safety Code is amended to read:

18897.1. For purposes of this part, the following shall apply:

(a) "Aquatics director" means a water safety professional in charge of all swimming activities that occur at recreational camp swimming pools, bathing beaches, rivers, and all other aquatic facilities. This person shall supervise lifeguards, progressive swimming instructors, and counselors with bather supervision responsibilities during swimming activities and implement the camp safety plan.

(b) "Camp" means both an organized camp and a recreational camp.

(c) "Camp director" means a person who is responsible for day-to-day decisionmaking and supervision of recreational camp programs and camp staff.

~~"Camper"~~

(d) "Camper" means any person in an organized camp attending a 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 basis.



(e) "Camp operator" means an individual, partnership, joint venture, or organization that owns, leases, rents, or operates an organized camp or recreational camp, or an individual, partnership, or joint venture that has care, charge, or control of an organized camp or a recreational camp.

(f) "Council" means the Recreational Camp Safety Advisory Council established pursuant to subdivision (d) of section 18897.2.

(g) "Counselor" means a person who directly supervises recreational camp program activities and recreational campers.

(h) "Counselor-in-training" means a recreational camper who is training to become a counselor.

(i) "CPR certification" means pediatric cardiopulmonary resuscitation certification, including automated external defibrillator certification, issued by the American Red Cross, American Heart Association, or an equivalent program approved by the Emergency Medical Services Authority under Section 1797.191 of the Health and Safety Code. A certification shall be valid as specified by the provider, but shall not exceed one year from the date of course completion.

(j) "Department" means the State Department of Public Health.

(k) "Director" means the State Public Health Officer.

(l) "First aid certification" means at least current certification in pediatric American Red Cross Standard First Aid, American Heart Association Heartsaver First Aid, or its equivalent, approved by the Emergency Medical Services Authority under Section 1797.191 of the Health and Safety Code. A certification shall be valid as specified by the provider, but shall not exceed one year from the date of course completion.

(m) "Health director" means a person who is a physician, registered nurse, licensed vocational nurse who is licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, or a person who obtained the training required pursuant to Section 1596.866 of the Health and Safety Code.

(n) "High-risk activity" means any recreational camp sport or other activity in which a mishap could result in serious injury or death. "High-risk activity" shall include, but not be limited to, contact sports, motorsports, trapeze, horseback riding, hiking, scuba diving, archery, watercraft, rock climbing, climbing walls, firearms, archery, tomahawk and axe throwing, challenge courses, zip lining, and aquatic activities.

(o) "Junior counselor" means an individual who assists counselors in the performance of their duties, but who does not have exclusive responsibility for supervising recreational campers.

(p) "License" means a permit issued from the department to legally operate a camp.

(q) "Lifeguard" means a trained water safety professional who is at least 18 years of age and holds all of the following certifications:

(1) An American Red Cross Lifeguard Training Certificate, California State Park Lifeguard Certification, Royal Bronze Medallion, Boy Scouts of America Lifeguard Certificate, YMCA National Lifeguard Certificate, or an equivalent certification, as determined by the department. A certification shall be valid as specified by the provider, but shall not exceed one year from the date of course completion.

(2) CPR certification.

(3) First aid certification.



(r) “Local agency” means the local health agency of a city, county, or city and county or other local department or agency charged with the enforcement of this part.

(s) (1) “Organized camp” means 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.

(2) “Organized camp” does not include a motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, or penal or correctional camp and does not include a childcare institution or home-finding agency.

(t) “Recreational camp” means a site with a program and facilities established for the supervision of children 18 years of age and younger that meets all of the following requirements:

(1) Operates for at least five days during any season of the year.

(2) Operates for profit or nonprofit purposes, whether or not a fee is charged.

(3) Serves five or more children who are not members of the family or personal guests of the camp operator.

(4) Is not licensed by the State California Department of Social Services as a daycare facility.

(u) “Recreational camper” means a camper who attends a recreational camp.

(v) “Staff” means any person employed by a recreational camp, including a volunteer or independent contractor, who is present at the camp any time campers are present.

(w) “Swimming pool” means an artificial pool or other aquatic facility owned, leased, licensed, or utilized by a camp.

(x) “Water safety instructor” means a trained water safety professional at least 18 years of age who assists recreational campers in meeting their swim goals, refining swimming skills, and water safety. A water safety instructor shall hold a first aid certification and CPR certification.

(y) “Volunteer” means any person who performs services in an unpaid capacity at a recreational camp.

SEC. 5. The heading of Chapter 2 (commencing with Section 18897.2) is added to Part 2.4 of Division 13 of the Health and Safety Code, to read:

CHAPTER 2. REGULATIONS

SEC. 6. Section 18897.2 of the Health and Safety Code is amended to read:

18897.2. (a) Except as provided in Section 18930, the ~~Director of Public Health~~ director shall adopt, in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, rules and regulations establishing additional 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 the campers. ~~Organized camps~~ Camps also shall comply with the building standards of the jurisdiction in which ~~the camp~~ it is located, to the extent that those standards are not contrary to, or inconsistent with, the building standards adopted by the ~~Director of Public Health,~~ director. The ~~Director of Public Health~~ director shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in



~~The State Department of Public Health~~ Each local agency shall enforce building standards published in the State Building Standards Code relating to organized camps and such other rules and regulations adopted by such the director pursuant to the provisions of this section as the director determines are necessary to protect the health and safety of campers. In adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 and in adopting such other rules and regulations pursuant to the provisions of this section, the Director of Public Health shall consider the Camp Standards of the American Camping Association.

(b) ~~The Director of Public Health~~ director shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 and shall adopt such other rules and regulations pursuant to the provisions of this section establishing minimum standards for intermittent short-term organized camps operated by a city or a county as the director deems necessary to protect the health and safety of campers. For purposes of this subdivision, "intermittent short-term organized camps" means a site for camping by any group of people for a period of not more than 72 consecutive hours for that group.

(c) (1) The director shall adopt, in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, rules and regulations establishing the minimum standards for camps for every local agency to enforce within their jurisdiction.

(2) Each local agency shall report to the State Department of Public Health whether each camp within its jurisdiction complies with the licensing and operational requirements established in this part.

(d) (1) There is within the state government the Recreational Camp Safety Advisory Council to advise and consult on policy matters relating to recreational camp safety.

(2) (A) The council shall consist of seven members to be appointed by the Governor and confirmed by the Senate. The Governor shall appoint council members on or before January 1, 2022.

(B) The council shall consist of the following members:

(i) One representative of for-profit recreational camps operated in California.

(ii) One representative of nonprofit recreational camps operated in California.

(iii) Two representatives of children's interests who do not operate a camp.

(iv) Two safety experts.

(v) One pediatric medical professional.

(C) The safety council shall elect from among its members a chairperson.

(D) Each council member shall serve for a term of six years.

(E) Vacancies shall be filled by the governor for the unexpired portion of the term.

(F) A majority of the appointed voting membership of the safety council shall constitute a quorum.

(3) The council shall meet at least twice per year, and more often if necessary, on the call of the chairperson or the director.

(4) The council members shall receive no compensation, but shall be reimbursed for their reasonable traveling and other expenses incurred in the performance of their official duties.

SEC. 7. Section 18897.3 of the Health and Safety Code is amended to read:



18897.3. Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for ~~organized~~ camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

SEC. 8. Section 18897.4 of the Health and Safety Code is amended to read:

18897.4. Every local health officer shall enforce within ~~his or her~~ their jurisdiction the building standards published in the State Building Standards Code relating to ~~organized~~ camps and the other rules and regulations adopted by the ~~Director of Public Health~~ director pursuant to Section 18897.2.

SEC. 9. Section 18897.6 of the Health and Safety Code is amended to read:

18897.6. ~~Organized camps~~ Camps shall not be subject to regulation by any state agency other than the ~~State Department of Public Health,~~ department, California regional water quality control boards, the State Water Resources Control Board, the Department of Industrial Relations, 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.~~

SEC. 10. Section 18897.7 of the Health and Safety Code is amended to read:

18897.7. ~~No organized camp shall~~ A camp shall not be operated in this state 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 Building Standards Code relating to ~~organized~~ camps, and in other rules and regulations adopted by the ~~Director of Public Health~~ director and the State Fire Marshal. Any violation of this section or of any building standard published in the State Building Standards Code relating to ~~organized~~ camps or any other rule or regulation adopted pursuant to Section 18897.2 or 18897.3 in the operation of ~~organized~~ camps is a misdemeanor.

SEC. 11. Chapter 3 (commencing with Section 18897.10) is added to Part 2.4 of Division 13 of the Health and Safety Code, to read:

CHAPTER 3. CAMP LICENSING

18897.10. A person shall not operate a camp, or cause or allow the same to be operated, without a license issued by a local agency pursuant to this chapter.

18897.11. An applicant for a license for a camp shall file an application with the local agency of the jurisdiction where the camp is located at least 90 days prior to the desired opening date, using a form provided by the local agency documenting all of the following information:

- (a) The name, location, and mailing address of the camp operator.
- (b) The name and address of the camp director.
- (c) The dates the camp proposes to operate the during the calendar year.
- (d) The camp's written operating procedures and program details that describe

all of the following:

- (1) The purpose and philosophy of the camp.
- (2) The admission policy of the camp.



- (3) Proposed operating hours.
 - (4) Proposed fee schedule.
 - (5) Security and emergency procedures.
 - (6) Health and safety policies.
 - (7) Emergency procedures.
 - (8) Offsite trip policies.
 - (9) Policies for the storage of personal belongings.
 - (10) Inclement weather policies.
 - (11) Special equipment policies.
 - (12) A copy of the emergency action plan required pursuant to Section 18897.15.
 - (13) A site location description.
 - (14) Buildings and facilities descriptions and planned usage of those buildings and facilities.
 - (15) Environmental hazards.
 - (16) Equipment access, control, maintenance.
 - (17) Food service provided.
 - (18) Transportation policies.
 - (19) A recreational camp's written operating procedures and program details
- shall also describe the following additional information:
- (A) The ages of children accepted.
 - (B) Procedures for dropping off and picking up campers.
 - (C) Discipline policies.
 - (D) Parent notification and visitation policies.
 - (E) Services offered for children with special needs.
 - (F) Director and operator qualifications and training.
 - (G) Staff background checks, skills verifications, and responsibilities required by this part.
 - (H) Participant eligibility requirements.
 - (I) Staff-to-camper supervision ratios.
 - (J) Onsite and offsite nonrisk and high-risk activities.
- (e) For a recreational camp, a written statement by the camp director that they have reviewed the criminal history record check and other background information for all staff and volunteers as required by Section 18897.24.
- (f) Documentation of the criminal history record check of the camp director and staff.
- (g) Proof of insurance that satisfies the requirements of Section 18897.16.
- (h) Any other information deemed necessary by the director to demonstrate compliance with this part.
- 18897.12. (a) (1) The local agency shall have the sole authority to grant, suspend, or revoke licenses for camps pursuant to this part.
- (2) The local agency shall consider an applicant's past history of compliance or noncompliance with this part in evaluating an application for a license.
- (3) An applicant shall allow the director or any agent or representative of the local agency to enter the premises of the camp to determine compliance with this part.
- (4) A camp operator and camp director shall comply with any conditions imposed by the local agency that are stated in the license.



(b) A license for a recreational camp shall state the maximum number of recreational campers authorized for the camp and the capacity shall not be exceeded by the operator at any time.

(c) The camp operator shall post the license in a prominent place at the camp and make available to campers and parents or guardians of campers, all information as required in Section 18897.11 on the camp's internet website.

(d) A license issued pursuant to this part shall not be transferable or assignable. 18897.13. (a) The local agency shall charge an application fee for new camps and an annual licensing fee for existing camps in an amount not to exceed the reasonable costs to the local agency for issuing licenses and conducting its duties pursuant to this part, or one thousand two hundred fifty dollars (\$1,250), whichever is less.

(b) A license shall expire upon any of the following events:

- (1) One year after the date of issuance.
- (2) At the close of a camp's normal operating season.
- (3) Upon a change of the camp operator.
- (4) Upon a date stipulated in the license issued by the local agency.
- (5) Upon revocation.

(c) A permit shall not expire during the operating period except by revocation or suspension by the department.

18897.14. (a) A local agency shall not issue a license to operate a camp until it has inspected the camp and found it to meet all the requirements of this part.

(b) (1) A local agency shall make at least one unannounced inspection and one scheduled inspection during the year, and at any other time it has reason to believe a violation exists or upon the request or complaint of any person with legitimate reason for concern. A copy of the inspection report shall be completed and mailed or delivered to the operator within seven days of the day of inspection. The camp operator and the local agency shall make the inspection report available within 10 days for review by the campers and parents or guardians of campers.

(2) A written inspection must include, at a minimum, all of the following information:

- (A) The name of the inspector.
- (B) The date and time of the inspection or investigation.
- (C) The location of the facility inspected.
- (D) The date and time of any scheduled followup inspection.
- (E) A listing of each specific provision of this part or regulation adopted pursuant to this part that appears to be violated.
- (F) A description of each condition constituting a violation.
- (G) A reasonable time for any required correction.

(3) (A) If an inspection reveals that any condition at a camp fails to comply with this part so as to endanger or materially impair the health, safety, or well-being of the campers or the public, the local agency may take any of the following actions:

- (i) Order the camp operator to correct the condition within an allotted time period.
- (ii) Temporarily suspend the operation pending a hearing.
- (iii) Order any building condemned and vacated, if appropriate.
- (iv) Order the camp program to be terminated in severe instances.

(B) Orders issued under this paragraph shall be served on the camp operator or their authorized agent.



(4) If an inspection reveals conditions that endanger or materially impair the health, safety, or well-being of the campers or the public, the camp operator shall provide written notification to the campers and their parents or guardians, including the corrective action that must be taken. The local agency shall make the inspection report publicly available within 10 days of the inspection.

(c) (1) A local agency may levy a civil penalty on each camp that is not in compliance with any provision of this part. The civil penalty shall not exceed two hundred dollars (\$200) per day until the local agency finds the camp is in compliance with this part.

(2) The department, in cooperation with the council, shall adopt regulations establishing procedures for the imposition of civil penalties, which may include the revocation of a license to operate.

18897.15. (a) Each camp shall retain onsite, and submit to the local agency for approval as a part of its application submitted pursuant to Section 18897.11, a written site-specific emergency action plan approved by the camp director and camp operator.

(b) The emergency action plan of each camp shall contain procedures that address the following emergency situations:

(1) (A) Natural disasters.

(B) All campers and staff shall be advised of the procedures contained in the natural disaster emergency action plan.

(C) The natural disaster emergency action plan shall, at a minimum, provide arrangements for transporting individuals from the camp to emergency or other facilities.

(2) (A) For recreational camps, lost campers and lost swimmers.

(B) Recreational campers, counselors, and staff shall review the written lost camper and lost swimmer plans that shall also be kept on file.

(3) (A) Fires.

(B) The fire emergency action plan shall require that fire drills be held at least every week.

(C) The fire emergency action plan shall be submitted in writing and be approved by the local fire department.

(D) The plan shall indicate the frequency of fire drills to be held during the camping season.

(4) Transportation emergencies.

(5) Severe illnesses and injuries.

(6) Strangers in camp.

(7) Aquatic emergencies, as appropriate for the site.

(8) Active shooters.

(9) Other emergency situations as appropriate for the site.

(c) Each camp operator of a recreational camp shall additionally establish procedures in the emergency action plan to address the following situations:

(1) Children who are registered and on the camp roll but fail to arrive for activities.

(2) Children who fail to arrive at the point of pickup upon the conclusion of the day's activities.

(3) Children who appear at camp without having registered and without prior notification.

(d) The emergency action plan shall include all of the following procedures:



- (1) Evacuation of the campsite.
- (2) Control of vehicular traffic through the camp.
- (3) Communication from persons at the site of an emergency to emergency medical facilities, the nearest fire station, and camp staff.
- (e) Camp staff shall be trained in implementation of the procedures set forth in the emergency action plan.

(f) The emergency action plan shall be made available to the public, including all campers and their parents or guardians.

18897.16. (a) Every camp facility shall carry public liability insurance in an amount required by the department.

(b) An applicant shall submit the amount of the insurance and the name and the address of the insurance provider. The camp shall post its insurance information in a public area at the camp.

(c) Camps operating their own transportation vehicles shall carry insurance in compliance with the minimum limits required by law.

(d) The camp shall carry workers' compensation and unemployment insurance as required by law.

18897.17. (a) (1) The department shall maintain a list of all camps licensed pursuant to this part on its internet website.

(2) Each local agency shall maintain a list of all camps licensed within its jurisdiction on its internet website.

(b) By March 31 of each year beginning with 2022, the department and the council shall submit a written report to the Legislature outlining all data collected pursuant to this part. The department and each local agency shall make the report available on their respective internet website. The report shall include, at a minimum, all of the following information:

(1) The total amount of camp application and licensing fees collected pursuant to Section 18897.13.

(2) The total amount of expenditures for administration and enforcement activities conducted pursuant to this part.

(3) The amount of camp application and licensing fees collected by each local agency.

(4) The total amount expended by each local agency pursuant to this part.

(5) The amount of fees and penalties collected pursuant to subdivision (c) of Section 18897.14.

(6) The total number of camp inspections administered by local agencies and the amount of camp inspections administered by each local agency.

(7) The total number of inspections administered for each camp and the results of those inspections.

(8) The total number of violations cited pursuant to this part by each local agency.

(9) The total number of camps and campers statewide and per county.

(10) The total number of unlicensed camps statewide.

(11) The number of campers for each camp.

(12) The total number of complaints received and processed pursuant to this part and the frequency of each type of complaint.

(13) Total number of complaints received by each local agency pursuant to this part.



(14) Total number of complaints referred to another enforcement agency.
 (15) A breakdown of complaints received per camp and per county based on the following categories:

- (A) Injury reports submitted pursuant to Section 18897.36.
- (B) Sexual predation or abuse.
- (C) Harassment, bullying, or physical abuse by the camp or by other campers.
- (D) Staff training, certifications, or effectiveness.
- (E) Facilities and environment.
- (F) Financial complaints.

(c) Each local agency shall provide all necessary information to the department that is required for the report pursuant to subdivision (b).

(d) The report required to be submitted to the Legislature pursuant to subdivision (b) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 12. Chapter 4 (commencing with Section 18897.20) is added to Part 2.4 of Division 13 of the Health and Safety Code, to read:

CHAPTER 4. CAMP STAFF

18897.20. (a) Each recreational camp shall have a camp director who meets the following minimum qualifications:

- (1) Is at least 25 years of age.
- (2) Possesses at least two years of previous experience working in an administrative staff of a camp.
- (3) Possesses a notice from the State Department of Social Services or other relevant agency that the director has not been subject of an investigation report.
- (4) Has never been convicted of a felony and verifies on a form provided by the local agency that the director has no criminal conviction record for which either of the following apply:
 - (A) There is a direct relationship between one or more of the criminal offenses and the applicant's employment as a camp director.
 - (B) Employment as a camp director would involve an unreasonable risk to the property, the safety or welfare of camp participants, or the general public.
- (5) Possesses a valid California driver's license.
- (6) Is physically sound sufficient to supervise campers.
- (7) Has completed at least 10 hours of professional development in the area of early childhood education and development.

(b) The camp director shall be present at the camp during all operating hours.

(c) A camp director may also serve as the camp operator.

18897.21. (a) (1) Each counselor in a recreational camp shall meet the following minimum requirements:

- (A) Be at least 18 years of age.
- (B) Be at least two years older than the recreational campers they supervise.
- (C) Have at least one season as a junior counselor or have at least six months of experience in a supervisory role with children.
- (D) Have satisfactorily completed a counselor orientation and training prior to the arrival of recreational campers, as set fourth in Section 18897.24.



(2) The camp operator or camp director shall verify the background and character of each prospective counselor through reasonable and diligent inquiries, including, but not limited to, character references.

(b) Each junior counselor of a camp shall meet the following minimum requirements:

(1) Be at least 16 years of age.

(2) Be at least two years older than the recreational campers they supervise, but shall never supervise campers without a counselor.

(3) Have satisfactorily completed a junior counselor orientation and training program prior to the arrival of recreational campers.

(c) (1) Each counselor-in-training in a camp shall have satisfactorily completed one season as a camper and meet the following minimum requirements:

(A) Be at least 15 years of age.

(B) Assist in performing specific duties.

(C) All counselors-in-training shall receive training specific to their duties and satisfactorily complete recreational camper orientation.

(2) No more than 10 percent of the total number of counselors may be counselors-in-training.

(3) A counselor-in-training may not independently supervise recreational campers.

(4) A counselor-in-training shall be supervised as a camper.

18897.22. (a) Each recreational camp shall have the following minimum ratio of counselors to recreational campers:

(1) One counselor for every 12 campers seven years of age or older.

(2) One counselor for every eight campers younger than seven years of age.

(3) A camp that includes offsite activities shall, when conducting those offsite activities, have at least one counselor for every eight campers with a minimum of two counselors. At least one counselor required by this paragraph shall be at least 21 years of age.

(4) Notwithstanding the other requirements of this subdivision, during passive activities for campers seven years of age and older, a camp shall provide at least one counselor for every 20 campers. For purposes of this paragraph, "passive activity" means an activity which takes place in a defined area where participants are spectators or have limited mobility and use limited equipment such as craft material or computers. "Passive activities" includes, but is not limited to, storytelling, coloring, viewing movies, singing, and playing board games.

(5) At an overnight camp, during hours when campers are sleeping, the supervision ratio may be modified by up to 20 percent based on the arrangement, size, and location of the sleeping area and potential for visual and verbal supervision. Any modification under this paragraph shall be described in the camp's written operating procedures and program details submitted pursuant to Section 18897.11.

(b) Counselors required under subdivision (a) shall be within the line of sight or close proximity to campers at all times.

(c) Junior counselors may be included in meeting up to 50 percent of the camper-to-staff ratios required in subdivision (a), but shall always be under the direct supervision of a counselor.



(d) Each recreational camp serving campers with mild or severe disabilities shall have a staffing plan in place to ensure specialized staffing to supervise children with disabilities.

18897.23. (a) The camp operator shall provide orientation and training for all counselors, junior counselors, and other applicable camp staff and volunteers. The training and orientation shall include, at a minimum, all of the following information:

(1) The duties imposed on mandated reporters under the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code).

(2) The camp's organization, policies, and procedures in writing. The policies shall prohibit the use of cellular phones while staff is on duty, other than for emergency communication.

(3) Any necessary training specific to overseeing certain camp activities or any specialized training to meet the needs of campers with unique physical or behavioral needs, as applicable.

(b) Documentation of specific training components and attendance records for trainings shall be maintained on premises and available to the public.

(c) A recreational camp operator shall not assign any person to supervise a camper unless that person has received the minimum orientation required by this section.

(d) The camp operator shall inform all staff of their administrative roles in accordance with written camp policies. In the event of the absence of the camp director, the camp director or camp operator shall appoint a designee who shall be at the camp at all times. The designee shall be able to adequately perform the duties and responsibilities of the camp director.

18897.24. (a) Each staff member and volunteer shall have a background free of conduct that bears adversely upon their ability to provide for the safety and well-being of campers. The camp operator shall determine whether each staff member's and volunteer's conduct, criminal or otherwise, shall disqualify that person from employment or service at the camp.

(b) A camp operator shall follow written procedures for reviewing the background of each staff person and volunteer.

(c) At a minimum the camp operator shall review all of the following information for each staff member for each camping season:

(1) Prior work history, including name, address and phone number of a contact person at each place of employment for the previous three years.

(2) Three positive reference checks from individuals not related to the staff member including, but not limited to, previous employers or school administrators. Returning staff members may use prior references on record with the camp, unless there is a gap in employment with the camp for one or more camp seasons.

(3) Inquiry by the camp operator into each staff member's prior criminal history, which shall include, at a minimum, all of the following:

(A) A sex offender registry information check. International staff who have not previously been in the United States and who are entering the country pursuant to a visa shall be exempt from this subparagraph.

(B) A criminal background report.



(C) For prospective staff whose permanent residence is not California, the camp operator, where practicable, shall also obtain from the applicant's state criminal information system, a criminal record check or its nationally recognized equivalent.

(d) At a minimum, the camp operator shall require for each camping season the following with regard to each volunteer:

(1) Prior work or volunteer history, including name, address, and phone number of a contact person at each place of employment or volunteer service for the previous three years.

(2) A sex offender registry information check.

(3) A criminal background check.

(e) The camp operator shall maintain written documentation verifying the background and character of each staff person and volunteer for three years, or as required by law.

(f) A camp shall not employ any prospective staff member or volunteer at a camp until the camp operator reviews and approves all of the information required by this section.

SEC. 13. Chapter 5 (commencing with Section 18897.30) is added to Part 2.4 of Division 13 of the Health and Safety Code, to read:

CHAPTER 5. RECREATIONAL CAMPER SAFETY

18897.30. A recreational camp shall have written policies and procedures in place to protect campers from abuse and neglect while in the camp's care and custody. The written policies and procedures shall provide procedures for reporting any suspected incidents of child abuse or neglect in accordance with Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code).

18897.31. (a) Discipline and guidance shall be consistent and based upon current American Academy of Pediatrics Childcare Guidance on effective discipline or other guidance approved by the department, and an understanding of the individual needs and development of a child.

(b) The recreational camp operator shall provide written policies and procedures to direct discipline to the goal of maximizing the growth and development of the children and for protecting the group and individuals within it. The policies shall be available for review by the parent or guardian of any camper or prospective camper.

(c) A recreational camp shall not engage in any of the following types of punishment:

(1) Corporal punishment, including spanking.

(2) Cruel or severe punishment, humiliation, or verbal abuse.

(3) Denial of food, water, or shelter.

(4) A child shall not be punished for soiling, wetting, or not using the toilet.

18897.32. (a) During hours of operation, a recreational camp shall allow access to parents and guardians. The camp operator, camp director, or other camp staffer may accompany the parent when providing access to the recreational camper.

(b) During the hours of operation, the recreational camp's most recent licensing, fire department, and health department inspection reports shall be available to parents



and legal guardians of recreational campers or their designee and to prospective parents and legal guardians considering the camp.

18897.33. (a) Each recreational camper and staff member entering camp shall furnish a health history of their health status that is completed and signed by the individual camper or staff member, or by the parent or guardian if the camper or staff member is under 18 years of age. This history shall be kept onsite as long as the camper or staff member is at camp and shall include the following:

(1) A description of any health condition requiring medication, treatment, special restriction, or consideration while at the recreational camp.

(2) A record of immunizations including date of the last tetanus shot.

(3) A record of any allergies.

(b) Each staff member and recreational camper under 18 years of age shall submit to the camp a signed statement by a parent or guardian to seek emergency medical treatment, except those minors in camp accompanied by a parent or guardian.

(c) The health director employed pursuant to subdivision (a) of Section 18897.34 shall be responsible for health supervision of recreational campers present at the recreational camp.

(d) The health director shall conduct a health screening that shall be conducted for all staff prior to the arrival of campers, and all campers under 18 years of age who are unaccompanied by a parent or guardian, within 24 hours of arrival at camp.

(e) The health director shall maintain a log book that includes, at a minimum, all of the following information for each accident, injury, and illness:

(1) Name of the person treated.

(2) Dosage and intervals of any medication dispensed.

(3) First aid or medical treatment rendered.

(4) Name of the person administering the first aid or medical treatment.

(5) Date and time of treatment.

(6) Date the recreational camper's parent or guardian was notified of the accident, illness, or injury.

(7) Name of the person who notified the camper's parent or guardian of the accident, illness, or injury.

(8) A detailed description of the incident, including conditions that led to the incident or illness.

(f) The health director, camp director, or camp operator shall report all occurrences of foodborne illness, suspected foodborne illness, or any other reportable disease included in the list established pursuant to Section 120130 of the Health and Safety Code promptly to the appropriate county, city, or district health officer.

(g) Medication brought by a camper that requires the health director or qualified staff to dispense the medication shall meet the following requirements:

(1) In the original container and labeled as required in law.

(2) Accompanied by specific written instructions for dispensing the medication from a parent, legal guardian, or physician licensed.

(3) Stored in a locked container when unattended by the health director.

18897.34. (a) The recreational camp operator shall employ at least one health director that is a designated California licensed physician, certified nurse practitioner, or physician assistant having documented pediatric training of at least two years.



(b) The health director shall develop a written camp health care policy, approved by the local agency. The policy shall include but not be limited to, all of the following:

- (1) Daily health supervision.
- (2) Infection control.
- (3) Medication storage and administration, including self-administration when appropriate.
- (4) Procedures for using insect repellent.
- (5) Conducting tick checks.
- (6) Promoting allergy awareness.
- (7) Handling health emergencies and accidents, including parental and guardian notifications.

(8) Available ambulance services.
 (9) Provision for medical, nursing, and first aid services.
 (c) The health director shall have the following additional duties:
 (1) Assist in the development of the camp's health care policy described in subdivision (b).

(2) Review and approve the camp's health care policy on an annual basis.
 (3) Approve any changes to the camp's health care policy.
 (4) Be available to the camp director or camp operator for consultation at all times.

(5) Develop, review, and approve first aid training for camp staff.
 (6) Develop and sign written orders, including for prescription medication administration.

(d) At camps in which the total number of campers and staff is less than 150, the camp director may assign the health director additional non-health-related duties, but shall at all times be available at the camp to render emergency first aid.

(e) In camps operated specifically for children with mild or severe disabilities, medical specialty camps, overnight camps where the total number of campers and staff is 150 or greater, and at any other camp when required by the local agency, a health director shall be present at all times.

18897.35. Each camp shall maintain a health record for each camper and for each staff person under 18 years of age. The health record shall be readily available at all times in electronic or hard copy form that is secure from unauthorized access and shall include, at a minimum, all of the following:

(a) The camper's or staff member's name and home address.
 (b) The name, address, and telephone number of the camper's or staff member's parent or guardian.

(c) A written authorization for emergency medical care signed by a parent or guardian.

(d) The travel location and telephone number of the camper's or staff member's parent or guardian if the parent or guardian will be traveling during the camping season.

(e) The name, address, and telephone numbers of the camper's or staff member's family health care provider or health maintenance organization, if any.

(f) If the camper or staff member brings a prescribed medication from home, a written authorization to administer the medication signed by a parent or guardian.

(g) Copies of injury reports, if any.



18897.36. (a) A report shall be completed on a form available from the local agency for each fatality or serious injury as a result of which a camper, staff member, or volunteer is sent home or brought to the hospital or physician's office and where a positive diagnosis is made. Reportable incidents include, but are not limited to, incidents requiring any of the following:

- (1) Suturing.
- (2) Resuscitation.
- (3) Broken bones.
- (4) Admission to the hospital.
- (5) Sexual abuse or misconduct.

(b) A copy of each injury report shall be sent to the department and the council as soon as possible but no later than one calendar day after the occurrence of the injury.

18897.37. (a) If a local agency finds a hazard listed in subdivision (c) on camp property, the building or portion of the property constituting the hazard shall be placarded against occupancy until the hazard is corrected.

(b) The local agency shall inspect the premises within three working days of posting the placard to assure compliance with terms of the order and shall inspect the premises within two working days of notification that the hazard has been eliminated to remove them after verifying the correction.

(c) Any of the following violations constitute a public health hazard which require the local agency to order immediate correction or to immediately institute action as provided in this section:

(1) Supervision of children is not in accordance with this part, resulting in a camper's exposure to unreasonable risk to their health or safety.

(2) Use of an unapproved or contaminated water supply source.

(3) Treatment of the water system, required for disinfection or removal of contaminants, is not continuous.

(4) Disinfection that is inadequate to destroy harmful microorganisms or to maintain a specified chlorine residual.

(5) Presence of cross-connections or other faults in the water distribution or plumbing systems that result, or may result, in the contamination of the potable water supply.

(6) Insufficient quantity of water to meet drinking or sanitary demands.

(7) Sewage on the ground surface in areas accessible to children.

(8) Implementation of the medical requirements of the camp health and safety plan not under the supervision of a camp health director.

(9) Failure to comply with any requirement provided in Chapter 6 (commencing with Section 18897.45).

(10) High-risk activity conducted without certified instructors or in a manner hazardous to campers or the general public.

(11) Overcrowding of sleeping quarters resulting in inadequate spacing of bunks or blockage of fire exits.

(12) Failure to supervise children in sleeping quarters.

(13) Failure to provide two fire exits where required or blockage of a required fire exit by locking or other obstruction.

(14) Failure to provide a fire alarm system in multistory buildings.



(15) Installation of stoves or heating equipment constituting a fire hazard or inadequate venting of fumes.

(16) Failure to properly store flammable liquids and toxic substances.

(17) Failure to maintain firefighting equipment in working order.

(18) Failure to properly store and administer medication.

18897.38. (a) Each camp shall maintain a medical log containing a record of all camper and staff health complaints and treatment.

(b) (1) The medical log shall list the date and time, name of patient, complaint, and treatment for each incident.

(2) The camp shall maintain a medical log in a readily available format.

(3) An authorized member of the staff shall sign entry into the medical log.

(c) (1) All medical records and logs shall be readily available to the health director and other health personnel.

(2) All medical records and logs shall be made available upon request to the local agency. The local agency shall maintain the confidentiality of information relating to individual campers and staff.

18897.39. (a) The camp operator shall provide a single facility identified as an infirmary or first aid facility. The facility shall be easily recognizable and accessible during the day and night. First aid supplies shall be readily available to the staff wherever the health director deems necessary.

(b) First aid kits shall meet American National Standards Institute Z308.1-2015 requirements including, at a minimum, one Class B Kit and one or more Class A Kits, as necessary.

(c) An overnight camp shall have a designated space for isolation of a child ill with a communicable disease or suspected of such illness or otherwise in need of quiet and rest, at a location suitably separated from the regular living and sleeping quarters, to ensure both quiet to the patient and safety to other persons. The space shall be suitably equipped, including a ventilation system capable of providing negative pressure. An isolated child shall be provided with adequate adult supervision. The camp shall notify the parent or guardian of an isolated child upon their isolation.

18897.40. The camp operator shall maintain all medical records relating to campers, staff, and volunteers for a minimum of three years.

18897.41. The camp director, health director, aquatics director, all lifeguards and all counselors shall possess current CPR certifications and first aid certifications.

SEC. 14. Chapter 6 (commencing with Section 18897.45) is added to Part 2.4 of Division 13 of the Health and Safety Code, to read:

CHAPTER 6. ORGANIZED CAMP SAFETY

18897.45. During hours of operation, an organized camp's most recent licensing, fire department, and health department inspection reports shall be available to campers, prospective campers, and their respective parents or guardians.

18897.46. (a) If a local agency finds a hazard listed in subdivision (c) on organized camp property, the building or portion of the property constituting the hazard shall be placarded against occupancy until the hazard is corrected.

(b) The local agency shall inspect the premises within three working days of posting the placard to assure compliance with terms of the order and shall inspect the



premises within two working days of notification that the hazard has been eliminated to remove them after verifying the correction.

(c) Any of the following violations constitute a public health hazard, which require the local agency to order immediate correction or to immediately institute action as provided in this section:

- (1) Use of an unapproved or contaminated water supply source.
- (2) Treatment of the water system, required for disinfection, or removal of contaminants is not continuous.
- (3) Disinfection that is inadequate to destroy harmful microorganisms or to maintain a specified chlorine residual.
- (4) Presence of cross-connections or other faults in the water distribution or plumbing systems that result, or may result, in the contamination of the potable water supply.
- (5) Insufficient quantity of water to meet drinking or sanitary demands.
- (6) Sewage on the ground surface in areas accessible to campers.
- (7) Failure to provide two fire exits where required or blockage of a required fire exit by locking or other obstruction.
- (8) Failure to provide a fire alarm system in multistory buildings.
- (9) Installation of stoves or heating equipment constituting a fire hazard or inadequate venting of fumes.
- (10) Failure to properly store flammable liquids and toxic substances.
- (11) Failure to maintain firefighting equipment in working order.

SEC. 15. Chapter 7 (commencing with Section 18897.50) is added to Part 2.4 of Division 13 of the Health and Safety Code, to read:

CHAPTER 7. HIGH-RISK ACTIVITIES

Article 1. General Provisions

18897.50. (a) A recreational camp shall be deemed to conduct a high-risk activity if the activity poses an inherent risk of serious injury or death due to the nature of the activity, regardless of reasonable precautions and supervision. A counselor or camp director shall conduct high-risk activities only if they possess appropriate training, certification, and experience for the activity. The camp operator shall make adequate provisions to assure any special training necessary for camp staff to protect the safety and health of all campers, including those with disabilities.

(b) A camp shall not operate any zip line, challenge course, or other mechanical device that meets the definition of an "amusement ride" as set forth in Section 7901 of the Labor Code, unless the camp has obtained a permit to operate the zip line, challenge course, or other mechanical device from the Division of Occupational Safety and Health pursuant to the Amusement Rides Safety Law (Part 8 (commencing with Section 7900) of Division 5 of the Labor Code).

18897.51. A recreational camp operator of a camp that includes a challenge course, climbing wall, swimming pool, horseback riding operation, zip-line, or other high-risk activity shall comply with the following requirements for each camper fatality or injury:



(a) The camp operator shall cooperate fully with any investigation of incidents involving injury, death, illness, or sexual abuse of campers and staff and shall provide all necessary information and access to conduct the investigation. The camp operator shall provide information, whether obtained pursuant to the investigation or otherwise, to the local agency upon request, in the form and manner requested. The camp operator shall provide required information in a timely manner so as to support completion of the investigation subject to the time limits set forth in this section.

(b) (1) Upon receipt of a report pursuant to Section 18897.36, the local agency shall conduct an investigation of the incident that shall comply with all of the following:

(A) A review of medical records and reports, witness interviews and statements, expert assessments, and the collection of physical evidence, observations and information from care providers, and any other information that is relevant to the incident.

(B) Interviews shall be conducted by a qualified, objective individual in a private area which does not allow those not participating in the interview to overhear. At least one person conducting the interview must understand and be able to accommodate the unique needs or capabilities of the person being interviewed.

(C) Interviews shall be conducted of each party or witness individually, not in the presence of other parties or witnesses or under circumstances in which other parties or witnesses may perceive any aspect of the interview.

(D) The person alleging the incident, or who is the subject of the incident, shall be offered the opportunity to give their version of the incident.

(E) All evidence shall be adequately protected and preserved.

(2) Upon completion of the investigation conducted pursuant to paragraph (1), a written report shall be prepared which shall include all relevant findings and information obtained in the investigation and details of steps taken to investigate the incident.

(3) The investigation and written report required by this subdivision shall be completed and provided to the department within 45 days of when the incident was first reported.

(4) (A) If any remedial action is necessary, including, but not limited to, suspension of the high-risk activity involved in the injury or fatality, the local agency shall establish a plan in writing with the camp operator. The plan shall indicate the camp operator's agreement to the remediation and identify a followup date and person responsible for monitoring the remedial action or suspension of the high-risk activity. The plan shall be provided, and any measures taken in response to such plan shall be reported to the department.

(B) At the conclusion of an investigation of a reportable incident, the camp operator do all of the following:

(i) Assess the need for corrective actions.

(ii) Report corrective action plans to the department and the council within 10 days of the conclusion of an investigation.

(iii) Implement corrective action identified by the camp or required by the local agency. Corrective action plans shall be implemented as soon as possible but within 90 days of the completion of an investigation, unless the camp has closed for the season. If closed for the season, corrective action plans shall be implemented when the camp reopens.



18897.52. (a) Recreational camps with youth sports and high-risk activities shall be subject to the youth sports concussion protocols established in Section 124235 of the Health and Safety Code.

(b) A recreational camp shall provide to campers and parents a concussion and head injury information sheet to be signed by both the camper and the camper's parent or guardian.

(c) On a yearly basis, the recreational camp shall offer concussion and head injury education or related educational materials. Each camp operator, camp director, and other camp staff shall be required to successfully complete the concussion and head injury education at least once, either online or in person, before supervising a camper participating in a sports activity.

Article 2. Swimming and Aquatics Safety

18897.53. (a) Each recreational camp that provides any aquatics activity shall employ an aquatics director that meets the following requirements:

- (1) Is at least 21 years of age.
 - (2) Meets all of the following experience requirements:
 - (A) Possesses one season of previous experience as a camp aquatics director or in an aquatics supervisory role at a swimming pool or other swimming facility.
 - (B) Possesses two seasons of previous experience consisting cumulatively of at least 16 weeks as a camp-certified lifeguard or at a swimming pool or other swimming facility that had more than one lifeguard supervising it at a time.
 - (C) Possesses at least 24 weeks of previous experience as a certified lifeguard at a swimming pool or other swimming facility that had more than one lifeguard supervising it at a time.
 - (D) Meets the definition of lifeguard as provided in Section 18897.1.
 - (3) Possesses certification as a water safety instructor from a training course for lifeguard supervision and management approved by the local agency.
 - (4) Possesses a current CPR certification.
 - (5) Possesses a current first aid certification.
 - (6) Possesses 20/20 corrected vision and at least 20/40 uncorrected vision.
 - (7) Is physically sound sufficient to supervise campers.
- (b) The camp aquatic director shall, at least annually, review the camp's emergency action plan for swimming, including the lost swimmer plans.

18897.54. (a) Lifeguards shall actively supervise participants in the recreational camp's aquatic activities as required in the camp's approved emergency action plan. While on duty at the pool or other swimming facility, lifeguards shall not be engaged in duties or activities which distract them from the direct supervision of the water.

(b) A lifeguard shall meet the requirements of a lifeguard as defined in Section 18897.1 and all of the following requirements:

- (1) Possesses at least 12 weeks as a certified lifeguard or at a swimming pool or swimming facility that had more than one lifeguard supervising.
- (2) Possesses certification as a water safety instructor from a training course for lifeguard supervision and management approved by the local agency.
- (3) Possesses 20/20 corrected vision and at least 20/40 uncorrected vision.
- (4) Is physically sound sufficient to supervise campers.



18897.55. (a) (1) Swimming and other aquatics activities at recreational camps shall be supervised by one lifeguard for every 12 campers in the water or near the water.

(2) The camp shall supervise individual campers identified as nonswimmers pursuant to subdivision (a) of Section 18897.54 by one lifeguard for every five nonswimmers in the water or near the water.

(3) Every pool or swimming facility shall have at least one raised lifeguard station with an unobstructed view of the swimming area and lifesaving equipment for every 25 campers.

(b) (1) The aquatics director shall directly supervise all aquatics activities involving 30 or more campers.

(2) The aquatics director shall directly supervise all offsite aquatics activities.

(3) The aquatics director may count as one of the lifeguards required pursuant to subdivision (a).

(c) Supervision of swimming, if not provided by recreational camp staff, may be provided through a contractual agreement between the camp and the operator of the swimming venue, provided the swimming venue provides supervision at the rates required under subdivision (a) with a lifeguard that meets the training and certification requirements of Section 18897.51.

(d) (1) The swimming area of each recreational camp shall designate nonswimmer and swimmer areas.

(2) Campers designated as nonswimmers pursuant to the swimming assessment required by Section 18897.54 shall be subject to both of the following:

(A) The camp shall confine nonswimmers to an appropriate area.

(B) Nonswimmers shall be readily distinguishable from swimmers, unless they are restricted from entering the swimmer area by a physical barrier or are in a separate area for nonswimmers.

(e) A counselor or lifeguard shall conduct a head count check every three minutes.

18897.56. (a) An aquatics representative authorized by the local agency shall test the aquatics director and all lifeguards before commencement of recreational camp season, regardless of whether or not they possess current lifeguard, water safety instruction, or other aquatics safety certifications.

(b) (1) Each recreational camp that offers any aquatics activity shall develop a lost swimmer plan, which details all procedures to be followed when a swimmer is missing. The lost swimmer plan shall be included in the camp's emergency plan approved by the local agency.

(2) The procedures of the lost swimmer plan shall be implemented whenever a buddy check fails to account for all swimmers and anytime a swimmer is reported missing.

18897.57. (a) (1) before allowing any recreational camper to engage in aquatics activities, the aquatics director shall conduct a swimming assessment of each camper, based on Red Cross, YMCA, or other swim proficiency tests approved by the department.

(2) The assessment shall be relevant to the specific type of water and water activities of the camp.

(3) Any camper that refuses to participate in the swimming assessment shall be prohibited from entering the water.



(4) A record of camper swimming levels shall be available at all aquatic sites.

(5) Any camper that has not passed a Red Cross Level 3, YMCA Minnow swim proficiency test, or other equivalent classification as approved by the department shall be deemed a nonswimmer.

(6) Any camper that has been determined to have a physical, psychological, medical, or cognitive disability that could have a negative impact on their swimming ability shall be deemed a nonswimmer.

(b) A recreational camp that offers aquatics activities shall do all of the following:

(1) Offer swim lessons to all nonswimmers. It is the sole discretion of the camp operator to offer such lessons at an additional fee of their choosing.

(2) Require that nonswimmers wear U.S. Coast Guard approved personal flotation devices at all times while engaged in aquatics activities other than swim lessons under the immediate supervision of a lifeguard or aquatics director.

(c) (1) Each recreational camp providing any aquatics activity shall install a "buddy system" in which all swimmers are paired with another swimmer of similar ability.

(2) If a swimmer is paired with a nonswimmer, both campers must remain in the shallow area where the water level does not exceed chest height of the nonswimmer.

(3) Swim buddies must always be within clear view of one another while in the water. Buddy checks shall be required every five minutes.

(d) A swim log system shall identify each camper by name, swimming ability, and the swim area to which the camper is assigned. This system must record the entry to and exit from the swim area for each camper.

(e) A camp shall not permit any of the following:

(1) A camper to dive head-first from a pool deck into fewer than eight feet of water.

(2) A camper to jump feet-first from a pool deck into fewer than five feet of water.

(3) A camper to run on a pool deck.

(f) A recreational camp shall not permit any outdoor swimming between sunset and sunrise. Lighting for indoor and nighttime swimming pool use shall be detailed in the operating plan and approved by the local agency.

(g) A recreational camp shall not offer any aquatics activity at a residential swimming pool.

18897.58. (a) (1) All camp swimming pools shall be surrounded by as many surveillance cameras as needed to cover the entire expanse of the pool.

(2) The camp operator shall submit the video footage of each aquatics-related incident involving a camper to the local agency.

(b) Permanent swimming areas shall have supervised entrances and exits.

(c) Swimming pools shall be protected by protective fencing at least six feet in height and with locks.

(d) Swimming pool entrance gates shall be locked except during periods when a lifeguard is on duty.

(e) Each onsite swimming facility shall provide float lines.

(f) All camp swimming pools shall provide water depth markers.

(g) All floats, platforms, and decking shall be in good repair. Clearly visible depth and other markings shall be provided.



(h) Diving areas shall comply with all of the following:

(1) Be a minimum water depth of 10 feet for a one-meter diving board and 12 feet for a three-meter diving board.

(2) The entire length of the toe surface of diving boards shall be covered with nonskid material. The front end of the board shall project at least six feet beyond the edge of the pool. Clearance from the sides of the board shall be at least 10 feet, the distance between diving boards shall be at least eight feet, and at least 13 feet of free and unobstructed head room shall be provided above all diving boards and platforms.

(3) There shall be an adequate number of stairs or ladders for all diving towers, platforms, and flats. All stairs and ladders shall be provided with a handrail. Treads of stairs and ladders shall be of nonslip material.

18897.59. (a) For purposes of this section, "natural water facility" includes a lake, stream, river, ocean, or any other natural body of water.

(b) A camp that offers any aquatics activity at a natural water facility shall develop a plan for the use of the natural water facility for swimming or boating that meets all of the following requirements:

(1) Is included in the camp's emergency action plan.

(2) Is submitted to the local agency prior to use.

(3) Is implemented in accordance with any special conditions that may be specified in writing by the local agency to protect the health and safety of the campers.

(c) A camp that uses a natural water facility for swimming shall be equipped with at least one lifeboat or equivalent water safety device that is suited to the size, location, and use of the water facility, population of the camp, and dangers inherent to the water facility as determined by the local agency. The water safety device shall, at a minimum, meet all of the following requirements:

(1) Be used for no other purpose than for saving lives or for other emergencies.

(2) Be kept in good repair and readily accessible to the areas of potential use.

(3) Meet the requirements established for boat safety pursuant to Section 652 of the Harbors and Navigation Code.

(d) (1) A camp shall document careful soundings of depth of water, location of eddies and pools, and determinations of the presence and nature of dangerous currents, sunken logs, rocks, and obstructions in each natural water facility.

(2) (A) Legible signs indicating in plain letters the depth of water, the location of pools or eddies, and the presence and direction of currents of water shall be posted at each natural water facility.

(B) The signs shall be visible from the swimming area during the season when swimming is permitted.

(e) For recreational camps, the minimum lifeguard-to-camper ratios established in Section 18897.52 shall apply at each natural water facility. Swimming in a natural water facility shall be prohibited without the requisite number of lifeguards on duty.

(f) (1) For recreational camps, during a hike or other similar camp activity, entering any natural water facility for the purpose of crossing or for personal hygiene shall not be considered swimming.

(2) Procedures for incidental water immersion in water deeper than midcalf of the shortest camper must be specified in the camp's emergency action plan and approved by the local agency.



(3) Incidental water immersion shall be prohibited when the water's depth cannot be determined or when the water's depth or current does not ensure a safe crossing.

(4) A trip or activity leader shall be familiar with safe water flow characteristics and camp safety plan procedures for any body of water entered. Staff shall test the entire area in which incidental immersion will occur prior to campers entering the water.

(g) A recreational camp shall ensure that the bottom of all natural water facility diving areas are cleared of stumps, rocks, and other obstacles.

18897.60. (a) All watercraft activities at recreational camps shall be supervised by a minimum of one counselor for every 10 campers in a watercraft.

(b) (1) Each supervising counselor pursuant to subdivision (a) shall hold a lifeguard certification from a source authorized by the department, a certification in small craft safety and basic water rescue, or an equivalent certification recognized by the department that demonstrates water rescue procedures specific to the type of water and activities conducted.

(2) In addition to the certification and training required in paragraph (1), each counselor shall have evidence of previous training and experience with the type of water activity totaling at least 20 hours on the water.

(c) All watercraft activities carried out by recreational camps on whitewater or hazardous saltwater or freshwater, regardless of the number of campers, shall have a minimum of two counselors, each in separate watercraft, supervising the activity.

(d) Each recreational camper shall be designated as water safe before being participating in whitewater, hazardous saltwater, or hazardous freshwater boating activities.

(e) Whitewater activities for recreational camps must be carried out on water determined to be no more difficult than Class III as defined by the International Scale of River Difficulty. A camp shall not provide any whitewater activity on unclassified whitewater.

(f) All recreational camp staff and participants engaging in watercraft activities shall wear personal floatation devices approved by the United States Coast Guard appropriate to the activity.

(g) Each motorized watercraft for use at a camp shall be registered with the Department of Motor Vehicles and shall display its registration number on its bow, and a current registration and inspection certificates shall be available for examination by the local agency. Procedures and conditions for the use of nonmotorized boats shall be included in the camp's emergency action plan.

18897.61. Scuba diving activities at recreational camps shall be supervised by a counselor certified by a national or regional scuba training program such as the YMCA, National Association of Scuba Diving Schools, Professional Association of Diving Instructors, National Association of Underwater Instructors, Scuba Schools International, or equivalent program recognized by the department. Practices and equipment for scuba diving shall be included in the approved camp's emergency action plan.

Article 3. Other High-Risk Recreational Camp Activities



18897.62. (a) All firearm activities at recreational camps shall be directly supervised by an individual who possesses a current National Rifle Association Instructor certification and maintains compliance with licenses to carry firearms.

(b) A ratio of one counselor for every 10 campers on a firearm range shall be maintained at all times.

(c) Firearms shall be kept in good condition and stored in a locked cabinet when not in use. Ammunition shall also be stored in a locked facility in a location separate from the firearms. The key shall be in the possession of the camp director or their qualified designee who is at least 21 years of age.

(d) A camp firearm range shall comply with all of the following:

(1) Be located sufficiently away from other activity areas beyond the potential of harm to any camper.

(2) Be clearly marked to warn a passerby away from the danger area.

(3) The shooting area shall be large enough to provide at least 100 yards of clearance behind each target.

(4) All campers shall fire from a common firing line. A ready line shall be marked at a sufficiently safe distance behind the firing line. Only those ready to fire shall be on the firing line. Those waiting to fire shall remain behind the ready line. Campers and staff shall stay behind the firing line at all times except when ordered by the range instructor to retrieve targets and only when all firearms have been safely stored.

(5) All rifles shall be unloaded with actions open, and shall be verified to be unloaded by the range instructor, prior to any camper or staff member crossing the firing line, at the conclusion of instruction, or at any other time the range instructor directs.

(6) Backstops shall be used to contain bullets within the range.

(7) Large warning signs atop the backstop, facing away from the firing line, and containing a "keep out" label. A red firing flag shall be displayed when the range is in use.

(e) All firearms activities shall be limited to the use of a non-large-capacity rifle loaded with a single shot.

(f) Campers and instructors shall utilize approved shooting safety glasses and ear protection when engaging in shooting activities.

(g) Firearm activities shall be limited to campers as follows:

(1) Campers seven years of age and older may participate in firearm activities using BB guns.

(2) Campers 10 years of age and older may participate in firearm activities using pellet guns.

(3) Campers 11 years of age and older may participate in firearm activities using .22-caliber rimfire, bolt-action rifles, shotguns, and muzzle-loading rifles.

(h) Campers shall be instructed in safe rifle range procedures before participating in any firearm activity.

18897.63. A recreational camp that provides archery as a camp activity shall ensure all of the following requirements are met:

(a) Archery equipment shall be kept in good condition and stored under lock and key when not in use. The key shall be in the possession of the camp director or their qualified designee who is at least 21 years of age.



(b) The archery range shall be located in an area well away from other program activities beyond the potential of harm to any camper.

(c) Archery ranges shall be clearly marked to warn a passerby away from the danger area.

(d) The archery range area shall be large enough to provide at least 50 feet of clearance behind each target or an archery net behind each target.

(e) All bowmen shall fire from a common firing line. A ready line shall be marked at a sufficiently safe distance behind the firing line.

(f) The archery range shall not endanger any person or persons in other program activities and shall be clearly marked to warn passing campers away from the danger area.

(g) The camp shall ensure at least one archery counselor supervises every 10 campers on the firing line.

(h) All archery counselors shall possess training in archery.

18897.64. A recreational camp that offers horseback riding as a camp activity shall comply with all of the following:

(a) A competent, certified riding instructor shall determine the riding experience and level of skill of each camper and take these into account in assigning horses and determining whether the camper shall ride in the ring or on a trail.

(b) Each camper shall wear a hard hat at all times.

(c) Riders shall wear shoes with heels, or closed stirrups.

(d) At least one experienced counselor shall be assigned for every 10 horseback riders for a trail excursion, with a minimum of two staff members.

(e) Horses shall be boarded in a stable.

SEC. 16. Section 113948 of the Health and Safety Code is amended to read:

113948. (a) (1) Subject to the exceptions described in subdivision (e), a food handler who is hired prior to June 1, 2011, shall obtain a food handler card on or before July 1, 2011. Subject to the exceptions described in subdivision (e), a food handler who is hired on or after June 1, 2011, shall obtain a food handler card within 30 days after the date of hire. Each food handler shall maintain a valid food handler card for the duration of the food handler's employment as a food handler.

(2) Food handler cards shall be valid for three years from the date of issuance, regardless of whether the food handler changes employers during that period.

(3) A food handler card shall be recognized throughout the state, except in jurisdictions described in subdivision (f).

(b) (1) Prior to January 1, 2012, a food handler may obtain a food handler card from either one of the following:

(A) An American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs.

(B) A food protection manager certification organization described in Section 113947.3.

(2) Commencing January 1, 2012, a food handler shall obtain a food handler card only from an American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs.



(3) A food handler card shall be issued only upon successful completion of a food handler training course and examination that meets at least all of the following requirements:

(A) (i) The course provides basic, introductory instruction on the elements of knowledge described in subdivisions (a), (b), (c), (d), (e), and (g) of Section 113947.2.

(ii) On or before January 1, 2021, the course shall include instruction on both of the following:

(I) The elements of knowledge described in paragraph (1) of subdivision (b) of Section 113947 that are consistent with recommendations from a nationally organized allergy organization.

(II) Safe handling food practices for major food allergens, as defined in Section 113820.5, as they relate to food preparation activities that occur at a food facility, including, but not limited to, training on the avoidance of allergen cross-contamination.

(B) The course and examination is designed to be completed within approximately two and one-half hours.

(C) The examination consists of at least 40 questions regarding the required subject matter.

(D) A minimum score of 70 percent on the examination is required to successfully complete the examination.

(c) The food handler training course and examination may be offered through a trainer-led class and examination, through the use of a computer program or the internet, or through a combination of a trainer-led class and the use of a computer program or the internet. The use of a computer program or the internet shall have sufficient security channels and procedures to guard against fraudulent activity. However, this subdivision shall not be construed to require the presence or participation of a proctor during a food handler training course examination that is provided through a computer program or the internet.

(d) This section shall apply to a food handler who is employed by a food facility, as defined in Section 113790, or ~~an organized~~ a camp, as defined in Section 18897, consistent with Section 30730 of Title 17 of the California Code of Regulations.

(e) This section shall not apply to a food handler who is employed by any of the following:

(1) Certified farmer's markets.

(2) Commissaries.

(3) Grocery stores, except for separately owned food facilities to which this section otherwise applies that are located in the grocery store. For purposes of this paragraph, "grocery store" means a store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, and fresh meats, fish, and poultry and any area that is not separately owned within the store where food is prepared and served, including a bakery, deli, and meat and seafood counter. "Grocery store" includes convenience stores.

(4) Licensed health care facilities.

(5) Mobile support units.

(6) Public and private school cafeterias.

(7) Restricted food service facilities.

(8) Retail stores in which a majority of sales are from a pharmacy, as defined in Section 4037 of the Business and Professions Code, and venues with snack bar service



in which the majority of sales are from admission tickets, but excluding any area in which restaurant-style sit-down service is provided.

(9) A food facility that provides in-house food safety training to all employees involved in the preparation, storage, or service of food if all of the following conditions are met:

(A) The food facility uses a training course that has been approved for use by the food facility in another state that has adopted the requirements described in Subpart 2-103.11 of the 2001 edition of the model Food Code, not including the April 2004 update, published by the federal Food and Drug Administration.

(B) Upon request, the food facility provides evidence satisfactory to the local enforcement officer demonstrating that the food facility training program has been approved for use in another state pursuant to subparagraph (A).

(C) The training is provided during normal work hours, and at no cost to the employee.

(10) A food facility that is subject to a collective bargaining agreement with its food handlers.

(11) Any city, county, city and county, state, or regional facility used for the confinement of adults or minors, including, but not limited to, a county jail, juvenile hall, camp, ranch, or residential facility.

(12) An elderly nutrition program, administered by the California Department of Aging, pursuant to the Older Americans Act of 1965 (42 U.S.C. Sec. 3001 et seq.), as amended.

(f) The requirements of this section shall not apply to a food handler subject to an existing local food handler program that took effect prior to January 1, 2009.

(g) Each food facility that employs a food handler subject to the requirements of this section shall maintain records documenting that each food handler employed by the food facility possesses a valid food handler card, and shall provide those records to the local enforcement officer upon request.

(h) At least one food handler training course and examination shall cost no more than fifteen dollars (\$15), including a food handler card. If a food handler training course and examination is not available at that cost, the requirement to obtain a food handler card imposed by this section shall not apply.

SEC. 17. Section 11165.7 of the Penal Code is amended to read:

11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by a public or private school.
- (4) A classified employee of a public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.
- ~~(6) An administrator of a public or private day camp.~~
- (6) A camp operator, camp director, or other staff of a camp licensed pursuant to Roxie Rules (Part 2.4 (commencing with Section 18897) of Division 13 of the Health and Safety Code.), or any other administrator of a public or private day camp.
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.



(8) An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.

(9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.

(10) A licensee, an administrator, or an employee of a licensed community care or child daycare facility.

(11) A Head Start program teacher.

(12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.

(13) A public assistance worker.

(14) An employee of a childcare institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.

(15) A social worker, probation officer, or parole officer.

(16) An employee of a school district police or security department.

(17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.

(18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.

(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.

(20) A firefighter, except for volunteer firefighters.

(21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed associate marriage and family therapist registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image processor" means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives



or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff's department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an "alcohol and drug counselor" is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) An associate professional clinical counselor registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.



(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, "commercial computer technician" means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

(45) An individual certified by a licensed foster family agency as a certified family home, as defined in Section 1506 of the Health and Safety Code.

(46) An individual approved as a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code.

(47) A qualified autism service provider, a qualified autism service professional, or a qualified autism service paraprofessional, as defined in Section 1374.73 of the Health and Safety Code and Section 10144.51 of the Insurance Code.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Except as provided in subdivision (d), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.



(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a childcare licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a childcare administrator or an employee of a licensed child daycare facility shall take training in the duties of mandated reporters during the first 90 days when that administrator or employee is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child daycare facility shall take renewal mandated reporter training every two years following the date on which that person completed the initial mandated reporter training. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

SEC. 18. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

