

By Mr. Nordberg of Reading and Mrs. Pines of Newton, petition of Nils L. Nordberg, Lois G. Pines and William P. Nagle, Jr., for legislation to further regulate youth camps. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT PROVIDING FOR THE FURTHER REGULATION OF YOUTH CAMPS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 28A of the General Laws is hereby
2 amended by inserting after section eight the following new
3 section: —

4 *Section 8A.* There shall be a youth camp advisory council
5 within the office to advise and consult on policy matters
6 regarding youth camps. The council shall consist of the director
7 or his designee, who shall serve as chairman, the commissioner
8 of public health or his designees, the commissioner of natural
9 resources or his designee, the commissioner of public safety or
10 his designee, the commissioner of public welfare or his designee,
11 the commissioner of youth services or his designee, a youth
12 camp inspector designated by the director and twelve members
13 appointed by the governor, all of whom shall be residents of the
14 commonwealth, three of whom shall be affiliated with or
15 employed by youth camps operated within the commonwealth
16 for profit, three of whom shall be affiliated with or employed by
17 youth camps operated within the commonwealth under
18 charitable or philanthropic auspices, and six of whom shall be
19 representatives of the public, subject to the provisions of section
20 nine B of chapter 13. Of the six industry representatives one
21 shall represent a day camp, one shall represent a travel camp
22 and one shall represent a camp for children with special needs.
23 Of the public representatives one shall have attended a youth

24 camp as a camper within two years of his appointment to the
25 council and one shall be a parent of a child who has attended a
26 youth camp within two years of his parent's appointment. The
27 council shall meet not less than twice each year, and more often
28 if necessary, on the call of the chairman or at the request of any
29 five members. Appointed members shall serve for a term of
30 three years. Members of the council shall serve without
31 compensation, but shall be reimbursed by the commonwealth
32 for their necessary expenses incurred in the performance of their
33 duties.

1 SECTION 2. Section nine of said chapter 28A, as most
2 recently amended by chapter 682 of the Acts of 1974, is hereby
3 further amended by striking out the definition of "Day Care
4 Center" and inserting in place thereof the following definition: —
5 "Day Care Center", any facility operated on a regular basis
6 whether known as a day nursery, nursery school, kindergarten,
7 child play school, progressive school, child development center,
8 or pre-school, or known under any other name, which receives
9 children not of common parentage under seven years of age, or
10 under sixteen years of age if such children have special needs,
11 for nonresidential custody and care during part or all of the day
12 separate from their parents. Day care center shall not include:
13 any youth camp; any part of a public school system; any part of
14 a private, organized educational system, unless the services of
15 such system are primarily limited to kindergarten, nursery or
16 related preschool services; a Sunday school conducted by a
17 religious institution, a facility operated by a religious organiza-
18 tion where children are cared for during short periods of time
19 while persons responsible for such children are attending
20 religious services; a family day care home; an informal
21 cooperative arrangement among neighbors or relatives, or the
22 occasional care of children with or without compensation
23 therefor.

1 SECTION 3. Said section nine of said chapter 28A is hereby
2 further amended by inserting at the end thereof the following
3 definition: —

4 "Youth Camp", any residential camp, day camp, trip camp,
5 primitive or outpost camp, or federal recreational camp on
6 public or private land which is conducted for ten or more
7 campers under eighteen years of age, including programs and/or
8 activities promoted or advertised as a "Youth Camp" regardless
9 of the programs advocated.

1 SECTION 4. Section ten of said chapter 28A, as appearing in
2 chapter 682 of the Acts of 1974, is hereby amended by striking
3 out paragraphs (a), (b) and (c) and inserting in place thereof the
4 following three paragraphs: —

5 (a) The office shall issue and may renew a license to any
6 person other than a department, agency or institution of the
7 commonwealth or any political subdivision thereof, who meets
8 applicable standards and requirements to establish and maintain
9 a youth camp, a day care center, family day care home which is
10 not a part of a family day care system, family day care system,
11 family foster care which is not supervised and approved by a
12 placement agency, placement agency, group care facility, or
13 temporary shelter facility. The office shall issue approval to a
14 department, agency, or institution of the commonwealth or any
15 political subdivision thereof which it deems meets such
16 applicable standards and requirements to establish and maintain
17 a youth camp, a day care center, family day care home which is
18 not part of a family day care system, family day care system,
19 placement agency, group care facility, or temporary shelter
20 facility.

21 (b) The office may issue a provisional license for or may
22 provisionally approve a day care center, family day care home
23 which is not part of a family day care system, family day care
24 system, family foster care which is not supervised and approved
25 by a placement agency, placement agency, group care facility, or
26 temporary shelter facility, any of which has not previously
27 operated or is operating but is temporarily unable to meet
28 applicable standards and requirements. The office may issue a
29 provisional license for or may provisionally approve a youth
30 camp prior to full inspection by the office, provided that local
31 inspections as required by the state building code and the state
32 sanitary code have been accomplished and reports thereof
33 submitted to the office.

34 (c) The office shall, pursuant to the provisions of chapter
35 thirty A, and after consultation with the executive office of
36 educational affairs, manpower affairs, public safety, com-
37 munities and development, and the departments of youth
38 services, mental health, public health, and public welfare, and,
39 with regard to youth camps, the youth camp advisory council,
40 promulgate rules and regulations to carry out the purposes and
41 functions of sections nine to sixteen, inclusive. Such regulations,
42 as they related to standards and requirements for licensure
43 and approval of youth camps, day care centers, family day
44 care homes which are not part of a family day care
45 system, family foster care which is not supervised and
46 approved by a placement agency, placement agencies, group
47 care facilities, and temporary shelter facilities, shall be
48 appropriate for the protection of the health, wellbeing and
49 development of children and shall include, but need not be
50 limited to provisions regarding (1) admission policies and
51 procedures; (2) safe transport of children; (3) physical plant and
52 equipment; (4) the number and qualifications of staff; (5) the
53 nature of programs of care or treatment; (6) health care and
54 nutrition; (7) rights and responsibilities of parents, children and
55 staff, (8) record keeping and other procedures relevant to
56 evaluation; and (9) organization, financing and administration.
57 In formulating the regulations pertinent to family day care
58 homes and family foster care, the office shall give special
59 attention to fire and safety precautions. Such regulations may
60 establish classifications for licensure or approval as are
61 necessary to achieve the purposes of sections nine to sixteen,
62 inclusive; provided, that the standards and requirements for
63 approval of a youth camp, a day care center, family day care
64 home which is not part of a family day care system, family day
65 care system, placement agency, group care facility, or temporary
66 shelter facility, operated by a department, agency or institution
67 of the commonwealth or any political subdivision thereof shall
68 be the same as or higher than those applicable to the licensure of
69 comparable facilities or services. Such regulations shall establish
70 reasonable license fees and appropriate terms for all licenses
71 granted under the provisions of this section. No such license or
72 approval shall be transferable. A provisional license or approval
73 shall be issued for a period not to exceed six months and in no

74 case shall a person operate under a provisional license,
75 provisional approval, or renewal thereof for more than twelve
76 consecutive months, except that a provisional license or
77 approval of a youth camp shall be issued for a period not
78 exceeding thirty days from the arrival of campers at such camp
79 and may not be renewed for any combination of periods beyond
80 such thirty days. Any rule or regulation involving medical
81 treatment shall include appropriate exemptions for children
82 whose parents object thereto on the ground that it conflicts with
83 the tenets and practice of a recognized church or religious
84 denomination of which the parent or child is an adherent or a
85 member. Any rule or regulation involving youth camps shall
86 include provisions for appropriate exemptions considering the
87 specific character or program of a particular camp, provided,
88 however, that any exemption shall be so specified in the license
89 or approval, stipulated in any advertising or informational
90 matter distributed by or on behalf of said camp, and posted at
91 the camp. The office shall conduct a comprehensive review of
92 rules and regulations established under this section at least once
93 every five years.

1 SECTION 5. Section eleven of said chapter 28A, as so
2 appearing, is hereby amended by striking out paragraph (a) and
3 inserting in place thereof the following paragraph: —

4 (a) No person shall operate a youth camp, a day care center,
5 family day care home, family day care system, group care
6 facility, placement agency, or temporary shelter facility unless
7 such person is licensed by the office; provided, however, that a
8 person who operates a family day care home shall not be
9 required to obtain a license if such person operates as part of a
10 licensed family day care system; and provided further, that a
11 department, agency or institution of the commonwealth or any
12 political subdivision thereof shall obtain an approval rather than
13 a license in order to operate a youth camp, day care center,
14 family day care home, family day care system, group care
15 facility, placement agency, or temporary shelter facility.

1 SECTION 6. Said chapter 28A is hereby further amended by
2 striking out section twelve, as appearing in section one of
3 chapter 785 of the Acts of 1972, and inserting the following

4 section: —

5 *Section 12.* The director, in accordance with guidelines
6 established by the office, may delegate on an annual basis to any
7 city or town the power to issue, suspend, revoke, make
8 probationary or renew licenses, pursuant to the regulations
9 promulgated by the office under section ten, to persons
10 operating or seeking to operate youth camps, day care centers,
11 family day care homes which are not part of family day care
12 systems; provided, that any such city or town must demonstrate
13 that the delegation will result in more effective exercise of such
14 power; and provided, further, that persons subject to licensure
15 by such city or town shall be governed by the same rules and
16 regulations as persons subject to licensure by the office.

1 SECTION 7. Section 29 of chapter 19 of the General Laws,
2 as appearing in section three of chapter 785 of the Acts of 1972,
3 is hereby amended by striking out paragraph (g) and inserting
4 the following paragraph: —

5 (g) Notwithstanding the provisions of paragraphs (a) to (f),
6 inclusive, any youth camp, day care center, family day care
7 home, family day care system, family foster care, or group care
8 facility as defined in section nine of chapter twenty-eight A, shall
9 not be subject to the provisions of this section.

1 SECTION 8. Section 32A of chapter 140 of the General
2 Laws, as appearing in chapter 426 of the Acts of 1965, is hereby
3 amended by adding the following sentence: — This section shall
4 not apply to youth camps as defined in section nine of chapter
5 28A.

1 SECTION 9. Section 32B of said chapter 140, as appearing in
2 chapter 296 of the Acts of 1970, is hereby amended by adding
3 the following sentence: — This section shall not apply to youth
4 camps as defined in section nine of chapter 28A.

1 SECTION 10. Of the original appointees to the youth camp
2 advisory council established under the provisions of section
3 eight A of chapter twenty-eight A of the General Laws, inserted
4 by section one of this act, four shall serve for a term of three

5 years, four for a term of two years, and four for a term of one
6 year.

1 SECTION 11. Sections one, two, three, six and ten of this act
2 shall take effect upon passage of the act. Sections five, seven,
3 eight, and nine shall take effect on May first, nineteen hundred
4 and seventy-six.

