



## Massachusetts Department of Public Health

### *Important Amendments to Regulation 105 CMR 430.000: Minimum Standards for Recreational Camps for Children*

March 2018

On March 23, 2018, important amendments were finalized to 105 CMR 430.000: Minimum Standards for Recreational Camps for Children (State Sanitary Code, Chapter IV) which will go into effect this summer. The purpose of the amended camp regulations is to revise outdated standards, clarify language and add new requirements in response to stakeholder input, as well as to improve the overall clarity and readability of the regulation for housing, health, safety and sanitary conditions for minors attending recreational camps for children in the Commonwealth.

The Department of Public Health (DPH) is mandated by M.G.L. c. 111, §127A, to promulgate regulations pertaining to recreational camps for children. Although DPH has the responsibility for setting minimum standards and has oversight authority, the primary responsibility for inspecting and licensing camps rests with the local Boards of Health.

#### Important Changes

The finalized revisions include substantial changes to re-organize and streamline regulatory requirements with the goal of improving readability and organization of the Recreational Camps for Children regulations. The following summarizes the most significant substantive changes:

- **430.020: Definitions.** Definitions were revised for Day Camp (to include camps that operate at least 4 days during any 14 consecutive day period), Residential Camp (to include camps that operate 3 or more consecutive overnights) and Recreational Camp for Children (to include camps that operate for less than 15 business days any time outside of the June 1 to September 30 camping season). In addition, a definition for Specialized High Risk Activities was added.
- **430.050: License Required.** A new section was added to clarify that no recreational camp for children shall operate without a license from the Board of Health. Any person or program that promotes or advertises itself as a camp, even if it does not meet the criteria of a Recreational Camp as defined within 105 CMR 430.020, must be licensed as a recreational camp for children prior to operating.
- **430.091: Staff Orientation and Training.** The section has been revised to clarify that orientation and training is for all applicable camp staff (e.g.- programmatic or others with direct oversight), and that training components and attendance are to be documented. Additionally, staff shall receive all 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. As part of the orientation, all counselors, junior counselors, as well as other staff and volunteers shall complete one on-line head injury safety training program, such as the Centers for Disease Control and Prevention's "Heads-Up" training, or an equivalent approved training.
- **430.101: Required Ratio of Counselors to Campers.** Required staffing ratios were clarified, including requiring that campers remain in sight, and that junior counselors can be counted for compliance but must be in the presence of a counselor. Each residential or day camp serving campers with mild or severe disabilities shall have a staffing plan in place to ensure adequate staffing to supervise children with disabilities.
- **430.103: Supervision of Specialized High Risk Activities.** Formerly "Specialized Activities" are now called "Specialized High Risk Activities" and activities were added to this section including challenge courses and climbing walls. Safety standards for these types of activities were added, including compliance with 520 CMR 5.00 for climbing walls and challenge courses with high ropes. Additionally, ratios of campers to lifeguards, aquatics directors and staff with watercraft safety certification was clarified.

- **430.140: Medical Waste.** A requirement to comply with DPH Medical Waste regulations was added.
- **430.145: Maintenance of Records.** A three year records retention requirement was added.
- **430.152: Required Immunizations.** This section was revised and simplified to reference annual immunization requirements developed by the CDC rather than include specific immunization requirements which may become outdated.
- **430.159: Health Care Staff to be Provided.** Changes were made to the required camp health care policy to include procedures for using insect repellent, conducting tick checks, and promoting allergy awareness. The camp's Health Care Consultant must ensure on-site Health Care Supervisors are properly trained in order to administer topical or oral medications.
- **430.160: Storage and Administration of Medication.** Revisions were made to clarify medication storage requirements, specifically to account for field trips. Language was added to clarify the role of the health care consultant and health care supervisor, including specifically required training for health care supervisors that are not trained in medication administration. Additional procedures were also added for campers to self-administer epinephrine auto-injectors with approval from the health care consultant and the camper's parent/guardian.
- **430.165: Tobacco Use.** The proposed amendments will ban the use of any form of tobacco, including nicotine delivery devices like e-cigarettes, by staff, campers, or any person at the camp. This excludes use of FDA approved cessation products.
- **430.166: Alcohol and Recreational Marijuana Use.** A new section was added prohibiting the use of alcohol and recreational use of marijuana in any form at a recreational camp during all hours of operation.
- **430.190: General Program Requirements.** A new sub-section was added regarding an "unrecognized person" at the camp. The operator shall maintain an effective protocol for the appropriate identification and handling of such situations.
- **430.204: Waterfront and Boating Program Requirements.** This section was revised to include compliance with 105 CMR 432.000 (Christian's Law) for any swimming or boating programs, including a requirement to determine each child's swimming ability and to provide appropriate personal flotation devices (PFDs) in accordance with the federal law.
- **430.212: Field Trips.** This section was revised requiring written itineraries established before departure with a copy provided to parents/guardians and whenever feasible, notification provided to parents/guardians of any changes to the itinerary prior to departure. A Health Care Supervisor must accompany all field trips with readily available access to health records, medications and first aid kits, as needed. Written contingency plans shall be established and accompany all field trips.
- **430.217: Requirements for Tents.** This section was revised to allow the use of temporary, transportable tents clearly identified by the manufacturer as constructed of fire resistant material (versus fire-retardant).
- **430.251: Transportation Safety.** A new section was added requiring a minimum of at least one staff person to accompany and monitor campers during any bus or van transport either from the morning pickup to the camp or the afternoon return trip for off-site drop-off.
- **430.430: Swimming Pools.** Requirements for swimming pools were updated to include references to the pool fence law, 780 CMR (MA State Building Code) and the federal law regarding anti-entrapment devices for swimming pools (Virginia Graeme Baker Act). Also, a requirement regarding the assessment of swimming ability and confinement to areas consistent with swimming ability was added for pools (Christian's Law only applies to bathing beaches).
- **430.454: Structural and Interior Maintenance.** This section was a revised section requiring all camp facilities be maintained in good repair, fit for the use intended, and in compliance with 780 CMR (MA State Building Code).
- **430.800: Board of Health May Grant Variance.** This section was amended to be consistent with the variance sections contained in other state sanitary code regulations.