

- SUBJECT:** Requiring youth camp personnel to complete program on sexual abuse
- COMMITTEE:** Higher Education — committee substitute recommended
- VOTE:** 7 ayes — Branch, Alonzo, Brown, D. Howard, Johnson, Lewis, Patrick  
0 nays  
2 absent — Castro, Bonnen
- WITNESSES:** For — Danny Dawdy, Highland Lakes Camp, Texas Baptist Camping Association, Christian Camp and Conference Center Association; Dan Neal, Camp Doublecreek; James Waters; (*Registered, but did not testify*: Courtney Hoffman, Camping Association for Mutual Progress; Trudy Lester, Camp Doublecreek; Jodie Smith, Texans Care for Children)  
  
Against — None  
  
On —(*Registered, but did not testify*: Paula Anderson, Texas Department of State Health Services)
- BACKGROUND:** Health and Safety Code, ch. 141 governs youth camps in Texas. Under sec. 141.003, a person may not own or operate a youth camp without a license issued by the Department of State Health Services (DSHS). The chapter does not apply to facilities or programs operated by or on the campus of a higher education institution if regularly inspected by one or more local governmental entities for compliance with health and safety standards. Sec. 141.015 stipulates that a person who violates the chapter or rule or order is subject to a civil penalty of \$50 to \$1,000 for each violation.  
  
In 2005, the 79th Legislature enacted SB 990 by Janek, requiring people to successfully complete a training and exam program on sexual abuse and molestation in order to be employed or to volunteer for certain positions at a youth camp.
- DIGEST:** CSHB 2701 would prohibit operators of private and public higher education campus programs for minors from hiring a person in a position involving contact with campers unless the person successfully completed a

training and examination program on sexual abuse and child molestation. Campus programs would not be required to comply with the bill until June 1, 2012.

The bill would define a campus program for minors as one that offered recreational, athletic, religious, or educational activities for at least 20 campers who were not enrolled at the institution and attended or temporarily resided at the camp for all or part of at least four days.

An individual seeking employment at such a program would have to either complete the training and examination on sexual abuse and molestation and have this approved by DSHS within the first five days of employment, or would have to submit documentation to the program operator verifying the completion of such a program within the preceding two years.

The requirements would not apply to a student who was enrolled at a higher education institution and whose contact with campers would be limited to a single, short class.

The bill would require program operators to submit to DSHS verification that all employees had complied with the requirements of the bill and any corresponding fee, and would have to retain that documentation for two years. The bill would authorize DSHS to assess a fee in the amount necessary to cover the costs of administration.

By December 1, 2011, the executive commissioner of the Health and Human Services Commission would have to establish by rule criteria and guidelines for the training and examination program. The department could approve training and examination programs offered by contracted trainers or by online training organizations.

DSHS would be required to review each training and examination program every five years to ensure the program continued to meet the criteria and guidelines and could investigate a person suspected of violating provisions of the bill or rule. A person who violated the provisions of the bill would be subject to the enforcement as detailed in sec. 141.015, Health and Safety Code.

The program operator and higher education institution would be immune from civil or criminal liability for any act or omission of an employee for which the employee was immune under the Family Code regarding

immunity for those acting in good faith who reported child abuse or neglect.

A program operator would have to consider the costs of compliance with this bill in determining any charges or fees imposed and collected for participation in the campus program for minors.

The bill would take effect September 1, 2011.

**NOTES:**

The companion bill, SB 1414 by Duncan, passed the Senate by 31-0 on April 29 and was referred to the House Higher Education Committee on May 2.