

BILL ANALYSIS

Senate Research Center
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S.B. 1414
By: Duncan
Higher Education
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In response to a specific case of child molestation, the 79th Legislature enacted legislation requiring all volunteers and employees who work with children at Texas youth camps to complete a sexual abuse and child molestation awareness training course approved by the Department of State Health Services. The training is designed to be a deterrent to those who might harm youth and to equip volunteers and employees with valuable knowledge for detecting abuse and those who prey on children.

The law has been embraced and successfully implemented by private camps, as well as nonprofit camps, such as those operated by YMCAs, Boy Scouts, Girl Scouts, and religious organizations, all regulated by the Youth Camp Act. All employees and volunteers who will have any form of contact with the youth at the camps are required to go through this training and testing process.

However, children who attend youth camps operated on Texas college or university campuses are not protected. Those institutions are exempt from the Youth Camp Act because facilities on those campuses are already inspected under another governmental entity.

The law is not about facility inspections; rather, it addresses a programmatic, supervisory issue that affects the health and well-being of children, many of whom reside in college and university dormitories apart from families for four days or more at a time while attending camps for youth. S.B. 1414 provides protection in those programs by closing the gap on the missing training needed to protect youth who attend camps on the campuses of institutions of higher education.

As proposed, S.B. 1414 amends current law relating to sexual abuse and child molestation training for volunteers and employees of certain programs for minors held on campuses of institutions of higher education and provides penalties.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5 (Section 141.00951, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 141.002, Health and Safety Code, by amending Subdivision (1) and adding Subdivisions (1-a), (2-a), (3-a), and (3-b), to redefine "camper" and define "campus program for minors," "institution of higher education," "private or independent institution of higher education," and "program operator."

SECTION 2. Amends Section 141.0021, Health and Safety Code, as follows:

Sec. 141.0021. EXEMPTION. Provides that, except as provided by Section 141.00951, this chapter does not apply to a facility or program operated by or on the campus of an

institution of higher education or a private or independent institution of higher education that is regularly inspected by one or more local governmental entities for compliance with health and safety standards. Makes nonsubstantive changes.

SECTION 3. Amends the heading to Section 141.0095, Health and Safety Code, to read as follows:

Sec. 141.0095. YOUTH CAMP: TRAINING AND EXAMINATION PROGRAM.

SECTION 4. Amends Section 141.0095(g), Health and Safety Code, to require the Texas Department of Health (TDH) at least every five years to review each training and examination program on sexual abuse and child molestation approved by TDH under this section to ensure the program continues to meet the criteria and guidelines established by rule under this section.

SECTION 5. Amends Chapter 141, Health and Safety Code, by adding Section 141.00951, as follows:

Sec. 141.00951. CAMPUS PROGRAM FOR MINORS: TRAINING AND EXAMINATION PROGRAM. (a) Prohibits a program operator from employing or accepting the volunteer service of an individual in a position involving contact with campers at a campus program for minors unless:

(1) the individual submits to the program operator or the campus program for minors has on file documentation that verifies the individual within the preceding two years successfully completed the training and examination program required by this section; or

(2) the individual successfully completes the campus program for minors training and examination program, which must be approved by TDH as required by this section, during the individual's first workweek and the campus program for minors issues and files documentation verifying successful completion.

(b) Requires a program operator to:

(1) submit to TDH:

(A) on the form and within the time prescribed by TDH verification that each employee or volunteer of the campus program for minors has complied with the requirements of this section; and

(B) the fee assessed by TDH under Subsection (e); and

(2) retain in the operator's records a copy of the documentation required or issued under Subsection (a) for each employee or volunteer until the second anniversary of the examination date.

(c) Requires a person applying for or holding an employee or volunteer position involving contact with campers at a campus program for minors to successfully complete the training and examination program required by this section during the applicable period prescribed by Subsection (a).

(d) Requires the executive commissioner of the Health and Human Services Commission (HHSC), in accordance with this section, by rule to establish criteria and guidelines for the training and examination program required by this section. Requires that the training and examination program include training and an examination on the topics listed in Section 141.0095(e) (relating to an approved training and examination program on sexual abuse and child molestation). Authorizes TDH to approve training and examination programs offered by

trainers under contract with campus programs for minors or by online training organizations or to approve programs offered in another format authorized by TDH.

(e) Authorizes TDH to assess a fee in the amount necessary to cover the costs of administering this section to:

(1) each person that applies for TDH's approval of a training and examination program under this section; and

(2) each program operator who files with TDH the verification form required under Subsection (b)(1)(A).

(f) Requires TDH at least every five years to review each training and examination program approved by TDH under this section to ensure the program continues to meet the criteria and guidelines established by rule under this section.

(g) Authorizes TDH to investigate a person TDH suspects of violating this section or a rule adopted under this section. Provides that a person who violates this section is subject to the enforcement provisions of Section 141.015 (Civil Penalty; Injunction).

SECTION 6. (a) Requires the executive commissioner of HHSC, not later than December 1, 2011, by rule to establish criteria and guidelines for the training and examination program on sexual abuse and child molestation required by Section 141.00951, Health and Safety Code, as added by this Act.

(b) Provides that, notwithstanding Section 141.00951, Health and Safety Code, as added by this Act, a campus program for minors or an individual employed by or volunteering at a campus program for minors is not required to comply with Section 141.00951, Health and Safety Code, as added by this Act, before June 1, 2012.

SECTION 7. Effective date: September 1, 2011.