

BILL ANALYSIS

C.S.H.B. 492
By: Craddick
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that the Department of State Health Services (DSHS) is in need of greater latitude when licensing youth camps. C.S.H.B. 492 seeks to address these concerns by providing DSHS the authority to grant a waiver from youth camp licensing requirements under certain circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 492 amends the Health and Safety Code to authorize the Department of State Health Services (DSHS) to grant a waiver from the requirements of the Texas Youth Camp Safety and Health Act to a program that is sponsored by a religious organization, has been in operation for at least 30 consecutive years, operates one camp for not more than seven days in any year, has not more than 80 campers, is conducted by adult participants who are all volunteers, operates in a county with a population of at least 4,400 but not more than 4,750, and ensures that background checks are conducted on and the training required under the act is completed by each adult participating in the program. The bill makes such a waiver valid until the waiver is revoked for cause by DSHS. The bill authorizes a person who operates a program for which an application for such a waiver has been denied or revoked to appeal the action in the manner provided for appeal of contested cases under the Administrative Procedure Act. The bill requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 492 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 141, Health and Safety Code, is amended by adding Section 141.0025 to read as follows:

Sec. 141.0025. WAIVER; APPEAL. (a) The department may grant a waiver from the requirements of this chapter to a program that:

- (1) is sponsored by a religious organization as defined by Section 464.051;
- (2) has been in operation for at least 30 years;
- (3) operates one camp for not more than seven days in any year;

(4) ensures that background checks are conducted on all adults participating in the program; and

(5) conducts all camp activities in accordance with guidelines published by a national organization specializing in the operation of youth camps.

(b) A waiver granted by the department under Subsection (a) is valid until the waiver is revoked for cause by the department.

(c) A person who operates a program for which an application for a waiver under this section has been denied or for which a waiver under this section has been revoked may appeal the action in the manner provided for appeal of contested cases under Chapter 2001, Government Code.

SECTION 2. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 141.0025, Health and Safety Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 141, Health and Safety Code, is amended by adding Section 141.0025 to read as follows:

Sec. 141.0025. WAIVER; APPEAL. (a) The department may grant a waiver from the requirements of this chapter to a program that:

- (1) is sponsored by a religious organization as defined by Section 464.051;
- (2) has been in operation for at least 30 consecutive years;
- (3) operates one camp for not more than seven days in any year;
- (4) has not more than 80 campers;
- (5) is conducted by adult participants who are all volunteers;
- (6) operates in a county with a population of at least 4,400 but not more than 4,750; and
- (7) ensures that background checks are conducted on and the training required under Section 141.0095 is completed by each adult participating in the program.

(b) A waiver granted by the department under Subsection (a) is valid until the waiver is revoked for cause by the department.

(c) A person who operates a program for which an application for a waiver under this section has been denied or for which a waiver under this section has been revoked may appeal the action in the manner provided for appeal of contested cases under Chapter 2001, Government Code.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.