

## **BILL ANALYSIS**

Senate Research Center  
86R30489 KKR-F

H.B. 4372  
By: Murphy; Parker (Whitmire)  
Health & Human Services  
5/15/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been suggested that there is no clear protocol for reporting cases of abuse that occur at a youth summer camp, leaving parents without sufficient information or guidance to help determine whether a camp is safe for their children. H.B. 4372 seeks to address this issue by establishing certain procedures and notice requirements relating to youth camp abuse complaints and compliance orders.

H.B. 4372 amends current law relating to youth camp abuse complaints and compliance orders.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 141.0085, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 141, Health and Safety Code, by adding Sections 141.0051 and 141.0085, as follows:

Sec. 141.0051. LICENSE; CONSIDERATION OF CERTAIN CONVICTIONS. Requires the Department of State Health Services (DSHS), in making a determination on issuance, renewal, or revocation of a youth camp operator's license, to consider whether the youth camp employs or formerly employed an individual who was convicted of an act of sexual abuse, as defined by Section 21.02 (Continuous Sexual Abuse of Young Child or Children), Penal Code, arising from the individual's employment with the camp.

Sec. 141.0085. REPORTS OF ABUSE; DUTIES OF YOUTH CAMP OPERATOR. (a) Requires the executive commissioner of the Health and Human Services Commission by rule to establish a procedure for DSHS to forward a report of alleged abuse of a camper that is received by DSHS to the Department of Family and Protective Services or another appropriate agency.

(b) Requires a youth camp operator, if a law enforcement agency notifies the operator of the investigation or conviction of an individual who is employed or was formerly employed by the camp for an act of sexual abuse, as defined by Section 21.02, Penal Code, and the investigation or conviction arises from the individual's employment with the camp, to:

- (1) immediately notify DSHS of the investigation or conviction; and
- (2) retain all records related to the investigation or conviction until DSHS notifies the camp that the record retention is no longer required.

SECTION 2. Amends Chapter 141, Health and Safety Code, by adding Sections 141.0111 and 141.0112, as follows:

Sec. 141.0111. REQUIRED NOTICE ABOUT ABUSE REPORTING. (a) Requires a youth camp operator to provide notice to the public regarding the method for reporting to DSHS suspected abuse occurring at the youth camp. Requires the operator to provide the notice by:

- (1) posting a conspicuous sign in at least one prominent location at the youth camp that is accessible to the public;
- (2) posting the information on the youth camp's publicly accessible Internet website; and
- (3) on request, making a written copy of the information available to a person.

(b) Requires DSHS to prescribe the content of the notice required by Subsection (a).

Sec. 141.0112. REQUIRED NOTICE ABOUT YOUTH CAMP COMPLAINTS AND DISCIPLINARY ACTIONS. (a) Requires DSHS to post on DSHS's Internet website each youth camp compliance order issued by DSHS until at least the third anniversary of the date the compliance order was finally adjudicated.

(b) Requires a youth camp operator to include on the camp's publicly accessible Internet website a clearly marked direct link to the web page on DSHS's Internet website on which DSHS posts youth camp compliance orders issued by DSHS.

SECTION 3. Requires DSHS, not later than December 1, 2019, to prescribe the content of the notice to the public as required by Section 141.0111, Health and Safety Code, as added by this Act.

SECTION 4. Provides that, notwithstanding Sections 141.0085, 141.0111, and 141.0112, Health and Safety Code, as added by this Act, a youth camp operator is not required to comply with those sections until January 1, 2020.

SECTION 5. Effective date: September 1, 2019.