

BILL ANALYSIS

C.S.H.B. 265
By: Hull
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Events over the July 4, 2025, holiday weekend highlighted the need for the state to ensure that youth camps licensed by the Department of State Health Services (DSHS) follow health and safety standards and procedures to protect the health and safety of youth campers. The bill author has informed the committee that, currently, there is no explicit requirement in the Texas Youth Camp Safety and Health Act that a youth camp operator conduct background checks nor is there an explicit requirement in the act for first aid training or training on cardiopulmonary resuscitation for youth camp staff. Moreover, the bill author has informed the committee that the youth camp advisory committee, which is required by the act to make recommendations to the executive commissioner of the Health and Human Services Commission on the rules regulating youth camps, is composed of nine members, none of whom are required under the act to have any expertise in child health or safety or water safety. C.S.H.B. 265 seeks to improve governmental oversight of youth camps, including youth camp rules and youth camp duties. Among other provisions, the bill revises the composition of the youth camp advisory committee to provide for certain areas of expertise among the membership and, furthermore, requires background checks and training in first aid and cardiopulmonary resuscitation for an adult individual before the individual may serve as a youth camp staff member or volunteer who has unsupervised contact with a camper. In addition to other repealed provisions, the bill repeals the provision establishing that certain programs meeting specified criteria may be granted a waiver from the act's requirements and that the denial or revocation of a waiver may be appealed as a contested case under the Administrative Procedure Act and also repeals provisions prohibiting a penalty from being imposed on a youth camp for a violation that is significant under DSHS rule if the violation is corrected during an investigation and inspection under the act.

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. 265 amends the Health and Safety Code to revise the composition of the advisory committee appointed by the executive commissioner of the Health and Human Services Commission under the Texas Youth Camp Safety and Health Act as follows:

- removes the provisions capping committee membership at nine members, requiring that at least two members be members of the general public, and establishing that the other members should be experienced camping professionals who represent the camping communities of Texas; and

- establishes that the committee instead is composed of 11 members, including:
 - one emergency management director or coordinator;
 - one law enforcement professional;
 - one pediatrician, primary care physician, pediatric advanced practice registered nurse, or pediatric physician's assistant;
 - one child psychologist;
 - one child abuse prevention expert;
 - one water safety expert;
 - two youth camp operators;
 - one parent or legal guardian of a child who was a camper at a youth camp in Texas in the two years preceding the appointment date; and
 - two members of the general public.

The bill makes an individual, other than an individual who is a youth camp operator, ineligible for appointment to the advisory committee if the individual is affiliated with any youth camp or related within the second degree of consanguinity or affinity to an individual who is affiliated with a youth camp. The bill subjects meetings of the advisory committee to state open meetings law.

C.S.H.B. 265, with respect to the provision requiring that the executive commissioner, in making appointments to the advisory committee, attempt to reflect the geographic diversity of Texas, removes the specification that such appointments be made to reflect that diversity in proportion to the number of camps licensed by the Department of State Health Services (DSHS) in each geographic area of Texas. Moreover, the bill provides the following:

- the terms of the advisory committee members appointed and serving immediately before the bill's effective date expire on the bill's effective date;
- the executive commissioner, on the bill's effective date, must open the application process to appoint advisory committee members under the act, as amended by the bill; and
- the executive commissioner must appoint members to serve on the advisory committee not later than October 1, 2025, if the bill takes effect immediately, or as soon as practicable after the bill's effective date if the bill takes effect on the 91st day after the last day of the legislative session.

C.S.H.B. 265 establishes that, not later than April 1, 2026, the executive commissioner, in consultation with the advisory committee appointed under the bill's provisions, must conduct a comprehensive review and revision of state youth camp rules prescribed under the act and provides that this provision expires September 1, 2027. In addition, with respect to the current provision authorizing the executive commissioner to adopt rules to implement the act, the bill removes the requirement for DSHS to consult parents, youth camp operators, and appropriate public and private officials and organizations in developing the rules.

C.S.H.B. 265 requires a youth camp operator, before an adult individual may serve as a youth camp staff member or volunteer who has unsupervised contact with a camper, to do the following:

- conduct an annual criminal history record check on the individual; and
- ascertain whether the individual is registered as a sex offender under applicable state law relating to the sex offender registration program by consulting the sex offender database maintained by the Department of Public Safety.

The bill requires a youth camp operator to ensure each adult camp staff member successfully completes at least one hour of training in first aid and cardiopulmonary resuscitation provided by an accredited training organization or licensed health care professional.

C.S.H.B. 265 requires a youth camp staff member or volunteer who has reasonable cause to believe a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person to immediately make a report as provided by applicable Family Code provisions.

C.S.H.B. 265 repeals the following provisions of the act:

- the provision establishing that the act 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;
- provisions authorizing DSHS to grant a waiver from the requirements of the act, and providing for the appeal of the denial or revocation of such a waiver, to a program that meets the following criteria:
 - is sponsored by a religious organization as defined by state law regarding faith-based chemical dependency treatment programs;
 - 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 4,000 but not more than 4,350; and
 - ensures that background checks are conducted on and the training required under the act is completed by each adult participating in the program;
- with respect to the amount of license fees established by executive commissioner rule, the provision requiring DSHS, before the executive commissioner adopts or amends such a rule, to solicit comments and information from the operators of affected youth camps and allow affected youth camp operators the opportunity to meet with appropriate DSHS staff who are involved with the rulemaking process;
- the provision prohibiting a penalty from being imposed on a youth camp for a violation that is significant under DSHS rule if the violation is corrected during an investigation and inspection under the act; and
- a provision capping the administrative penalty for a person who violates the act or a rule or order adopted or license issued under the act at \$1,000 a day for each violation.

C.S.H.B. 265 repeals the following provisions of the Health and Safety Code:

- Section 141.0021;
- Section 141.0025;
- Section 141.0035(b);
- Section 141.007(g); and
- Section 141.016(c).

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 265 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute revise the composition of the advisory committee appointed by the executive commissioner of the Health and Human Services Commission under the Texas Youth Camp Safety and Health Act, the versions differ as follows:

- whereas the introduced provided for a 9-member advisory committee, the substitute provides for an 11-member advisory committee;

- whereas the introduced provided for one member who is a pediatrician, the substitute provides for one member who is a pediatrician, primary care physician, pediatric advanced practice registered nurse, or pediatric physician's assistant;
- the substitute includes one water safety expert as a member, whereas the introduced does not provide for this member;
- whereas the introduced included one youth camp operator as a member, the substitute includes two youth camp operators as members; and
- whereas both the introduced and the substitute include two members of the general public as members, the substitute does not include the specification in the introduced that the two members be unaffiliated with any youth camp.

The substitute also includes provisions absent from the introduced that do the following with respect to the advisory committee:

- makes an individual, other than a youth camp operator, ineligible for appointment to the advisory committee if the individual is affiliated with any youth camp or related within the second degree of consanguinity or affinity to an individual who is affiliated with a youth camp; and
- subjects meetings of the advisory committee to state open meetings law.

Whereas the introduced required a youth camp operator to ensure each adult camp staff member is certified in first aid and cardiopulmonary resuscitation by an accredited training organization, the substitute requires a youth camp operator to ensure instead that each adult camp staff member successfully completes at least one hour of training in first aid and cardiopulmonary resuscitation provided by an accredited training organization or licensed health care professional.

The substitute includes the following provisions not in the introduced:

- a requirement for a youth camp staff member or volunteer who has reasonable cause to believe a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person to immediately make a report as provided by applicable Family Code provisions; and
- a provision repealing the provision of the Texas Youth Camp Safety and Health Act establishing that the act 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.