

By: Gervin-Hawkins

H.B. No. 71

A BILL TO BE ENTITLED

AN ACT

relating to emergency preparedness requirements for youth camps,
camps, and entities that provide high-risk activities for minors;
authorizing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 141, Health and Safety Code, is amended
by adding Section 141.0052 to read as follows:

Sec. 141.0052. REQUIRED EMERGENCY PREPAREDNESS PLAN. The
department may not issue or renew a license for a youth camp under
this chapter unless the youth camp operator provides to the
department documentation showing the operator submitted to the
Texas Division of Emergency Management an emergency preparedness
plan as required by Section 761.003.

SECTION 2. Subtitle A, Title 9, Health and Safety Code, is
amended by adding Chapter 761 to read as follows:

CHAPTER 761. YOUTH CAMPING AND ACTIVITY SAFETY

Sec. 761.001. DEFINITIONS. In this chapter:

(1) "Camp" means a public or private entity, whether
for profit or nonprofit, that provides recreational, athletic, or
educational activities to minors who attend or temporarily reside
at the camp. The term includes a day camp and a youth camp licensed
under Chapter 141.

(2) "Division" means the Texas Division of Emergency
Management.

1 (3) "High-risk activity" means an activity the
2 division by rule classifies as a high-risk activity.

3 (4) "Operator" means a person who owns or operates a
4 camp or a youth activity entity.

5 (5) "Youth activity entity" means a public or private
6 entity, whether for profit or nonprofit, that provides
7 opportunities for minors to engage in high-risk activities.

8 Sec. 761.002. EMERGENCY PREPAREDNESS STANDARDS. (a) The
9 division, in collaboration with the Department of State Health
10 Services, the Texas Commission on Fire Protection, and any other
11 relevant state agency, by rule shall establish emergency
12 preparedness standards and emergency coordination protocols for
13 camps and youth activity entities.

14 (b) The emergency preparedness standards and emergency
15 coordination protocols must require an operator of a camp or youth
16 activity entity to:

17 (1) develop and submit to the division an emergency
18 preparedness plan that meets the requirements of Section 761.003;

19 (2) conspicuously post throughout the camp or the
20 location where the entity provides high-risk activities signs with
21 information on the camp's or entity's emergency preparedness plan;

22 (3) coordinate with and provide to the local emergency
23 medical services provider, the local sheriff's department, and the
24 division the notice required under Section 761.004;

25 (4) certify to the division the operator maintains for
26 the camp or location where the entity provides high-risk activities
27 real-time communications capabilities, such as a radio or cellular

1 telephone; and

2 (5) maintain clearly marked access routes for
3 emergency responders entering the camp or location where the entity
4 provides high-risk activities.

5 Sec. 761.003. EMERGENCY PREPAREDNESS PLAN. (a) The
6 operator of a camp or youth activity entity shall develop and submit
7 to the division in the form and manner the division prescribes a
8 written emergency preparedness plan that:

9 (1) provides for the camp or location where the entity
10 provides high-risk activities details about:

11 (A) location-specific risks;

12 (B) activity-based hazards; and

13 (C) evacuation procedures;

14 (2) establishes emergency response responsibilities
15 and assigns to camp or entity staff each identified responsibility;

16 (3) includes an on-site emergency readiness
17 checklist; and

18 (4) includes any other information required by
19 division rules.

20 (b) The division shall:

21 (1) review each emergency preparedness plan a camp or
22 youth activity entity submits to the division; and

23 (2) on request of an operator provide feedback or
24 technical support regarding the plan.

25 Sec. 761.004. COORDINATION WITH AND NOTICE TO FIRST
26 RESPONDERS AND DIVISION STAFF. (a) For each scheduled session for
27 a camp or a high-risk activity, the operator of the camp or youth

activity entity shall coordinate with and provide the notice required by this section to the division's regional staff, the local emergency medical services provider, and the local sheriff's department. The notice must include:

- (1) the location of the applicable camp or activity;
- (2) the dates during which campers or minors will be present for the camp or activity;
- (3) the number of campers or minors and staff who will be present for the camp or activity;
- (4) the contact information of at least one staff member who will be present at the camp or activity; and
- (5) the camp's or activity location's emergency access points.

(b) The division by rule shall establish times for operators to provide the notice required by Subsection (a), which must be at least 14 days but not more than 30 days before the camp or high-risk activity is scheduled to begin. The division may vary the times based on:

- (1) the group size for the camp or high-risk activity;
- (2) the risks involved in the specific activities the camp or entity provides to campers or minors;
- (3) the remoteness of the camp's or activity's location; and
- (4) any other factor the division determines is relevant.

Sec. 761.005. EMERGENCY READINESS TOOLKIT. (a) The division shall develop an emergency readiness toolkit that provides

1 guidance for operators on preparing for and responding to
2 emergencies at a camp or location of a high-risk activity.

3 (b) The division shall post the emergency readiness toolkit
4 on the division's publicly available Internet website.

5 Sec. 761.006. CIVIL PENALTY. (a) The attorney general may
6 bring an action for a civil penalty against an operator who violates
7 this chapter or a rule adopted under this chapter. A civil penalty
8 assessed under this section must be in an amount not to exceed
9 \$1,000 for each violation.

10 (b) Each day a violation continues is a separate violation
11 for purposes of imposing a civil penalty under this section.

12 (c) The attorney general may recover reasonable expenses
13 incurred in bringing an action under this section, including court
14 costs, reasonable attorney's fees, investigative costs, witness
15 fees, and deposition costs.

16 SECTION 3. (a) Not later than January 1, 2026, the Texas
17 Division of Emergency Management shall adopt the rules required by
18 Chapter 761, Health and Safety Code, as added by this Act.

19 (b) Notwithstanding Section 141.0052, Health and Safety
20 Code, as added by this Act, and Chapter 761, Health and Safety Code,
21 as added by this Act, an operator of a youth camp, camp, or youth
22 activity entity is not required to comply with those provisions
23 until March 1, 2026.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect on the 91st day after the last day of the
2 legislative session.