

By: Perry, et al.

S.B. No. 1

A BILL TO BE ENTITLED

AN ACT

relating to campground and youth camp safety.

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

SECTION 1. This Act may be cited as the Heaven's 27 Camp Safety Act.

SECTION 2. Section 141.002, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (2-a), (2-b), and (2-c) to read as follows:

(1) "Cabin" means a structure used to provide temporary sleeping quarters for campers.

(1-a) "Camper" means a minor who is attending a youth camp on a day care or boarding basis.

(2-a) "Floodplain" has the meaning assigned by Section 762.001.

(2-b) "Floodway" means an area identified on the most recent flood hazard map published by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.) as a regulatory floodway.

(2-c) "Governmental entity" means this state or a state agency or political subdivision of this state.

SECTION 3. Section 141.005(a), Health and Safety Code, is amended to read as follows:

(a) A person holding a license issued under this chapter must:

1           (1) renew the license annually by submitting a renewal  
2   application on a date determined by department rule on a form  
3   provided by the department; and

4           (2) submit a renewal application not later than the  
5   30th day after the date the person:

6                 (A) alters the boundaries of a youth camp  
7   operated by the person;

8                 (B) completes construction of one or more new  
9   cabins located on the premises of a youth camp operated by the  
10   person; or

11                (C) completes any renovation to one or more  
12   existing cabins located on the premises of the youth camp operated  
13   by the person that:

14                     (i) increases or decreases the number of  
15   beds in an affected cabin; or

16                     (ii) alters the method of ingress or egress  
17   to an affected cabin.

18           SECTION 4. Chapter 141, Health and Safety Code, is amended  
19   by adding Sections 141.0052, 141.0056, 141.0091, and 141.0092 to  
20   read as follows:

21           Sec. 141.0052. PROHIBITED LICENSURE OF YOUTH CAMPS WITHIN  
22   FLOODPLAIN; EXCEPTION. (a) The department shall not issue or renew  
23   a youth camp license for a youth camp that operates one or more  
24   cabins located within a floodplain.

25           (b) Notwithstanding Subsection (a), the department may  
26   issue or renew a license to a youth camp described by Subsection (a)  
27   only if:

1           (1) each cabin location within a floodplain is a  
2 result of the cabin's proximity to a lake, pond, or other still body  
3 of water that:

4                   (A) is not connected to a stream, river, or other  
5 watercourse; or

6                   (B) is dammed; or

7           (2) each cabin is at least 1,000 feet from a floodway.

8           Sec. 141.0056. ONLINE YOUTH CAMP REGISTRY. The department  
9 shall post, maintain, and update on the department's Internet  
10 website a list of each youth camp with an active license issued  
11 under this chapter.

12           Sec. 141.0091. ADDITIONAL HEALTH AND SAFETY STANDARDS. (a)  
13 As part of the health and safety standards established under  
14 Section 141.009, the executive commissioner by rule shall make  
15 applicable to a youth camp the requirements of Chapter 762 in the  
16 same manner as those requirements apply to a campground under that  
17 chapter.

18           (b) The executive commissioner by rule shall require a youth  
19 camp operator in the emergency evacuation plan the operator  
20 develops for a youth camp as required under Section 762.002 to:

21                   (1) specify muster zones for campers and camp staff to  
22 gather in an emergency event that requires evacuation from any  
23 location within the premises of the camp;

24                   (2) establish procedures for responding to an  
25 emergency event, other than an event addressed by Section 762.002,  
26 including:

27                   (A) a lost camper;

1                   (B) a fire on the premises of the camp;

2                   (C) a severe injury, severe illness, or death of  
3 one or more campers, visitors, camp staff, or camp volunteers that  
4 occurs:

5                               (i) on camp premises; or

6                               (ii) while under the supervision of camp  
7 staff;

8                   (D) an aquatic emergency if the camp borders a  
9 watercourse, lake, pond, or any other body of water; and

10                   (E) any other natural disaster or emergency event  
11 required under department rules;

12                   (3) establish procedures to identify and account for  
13 each camper affected by the emergency event;

14                   (4) establish procedures to notify and communicate  
15 with:

16                               (A) local emergency management services,  
17 including the emergency management director or coordinator  
18 designated under Section 418.1015, Government Code, by the  
19 political subdivision within which the camp is located;

20                               (B) camp administrative and medical services  
21 staff; and

22                               (C) the parents or legal guardians of each camper  
23 identified under Subdivision (3); and

24                   (5) designate a camp emergency preparedness  
25 coordinator.

26                   (c) The executive commissioner by rule shall require a youth  
27 camp operator to:

1           (1) maintain an operable radio capable of providing  
2 real-time weather alerts issued by the National Weather Service or  
3 a similar professional weather service at the camp;

4           (2) install and maintain at the camp an emergency  
5 warning system that:

6                   (A) is capable of alerting all campers and camp  
7 occupants of an emergency; and

8                   (B) includes a public address system operable  
9 without reliance on an Internet connection;

10           (3) monitor safety alerts issued:

11                   (A) by the National Weather Service or a similar  
12 professional weather service; and

13                   (B) by local river authorities, if applicable to  
14 the camp, or through other local emergency notification systems;  
15 and

16           (4) certify the operator's compliance with this  
17 subsection.

18           (d) In developing an emergency plan under Subsection (a), a  
19 youth camp operator must annually submit the initial or updated  
20 plan to the department for approval in the form and manner the  
21 department prescribes.

22           (e) If the department determines an emergency plan  
23 submitted under this section or Section 762.002 does not meet the  
24 minimum standards prescribed by department rules under this  
25 section, the youth camp operator shall revise and resubmit the plan  
26 not later than the 45th day after the date the operator receives  
27 notice from the department of the plan's deficiencies.

1       (f) A youth camp operator shall include any updated  
2 emergency plan as an attachment to each application to renew the  
3 operator's license under Section 141.005.

4       (g) Notwithstanding Section 762.002(c), not later than the  
5 10th business day following the date the department approves a  
6 youth camp operator's emergency plan or, if the department  
7 determines the plan is deficient under Subsection (e), the  
8 operator's revised emergency plan, the operator shall provide a  
9 copy of the plan to:

10           (1) for a campground located in a municipality, the  
11 emergency management director or coordinator designated under  
12 Section 418.1015, Government Code, for the municipality; and

13           (2) the emergency management director or coordinator  
14 designated under Section 418.1015, Government Code, for the county.

15       (h) In developing an emergency plan under this section, a  
16 youth camp operator may consult with an emergency management  
17 director or coordinator described by Subsection (g).

18       (i) The department shall store in a digital database each  
19 emergency plan submitted under this section or Section 762.002 and  
20 provide access to that database to the Texas Division of Emergency  
21 Management.

22       (j) A youth camp operator shall:

23           (1) make available the most recent version of an  
24 emergency plan submitted under this section to the parent or legal  
25 guardian of:

26                   (A) a camper who is participating in a camp  
27 session; or

1                   (B) a prospective camper who is registered to  
2 participate in a future camp session; and

3                   (2) notify the parent or legal guardian of a camper or  
4 prospective camper described by Subdivision (1) if any part of the  
5 camp is located within a floodplain.

6                   (k) Not more than 48 hours after each camp session begins,  
7 the youth camp operator or a camp staff member shall conduct a  
8 mandatory safety orientation that:

9                   (1) notifies each camper of the camp's boundaries and  
10 any hazards present on the camp premises;

11                   (2) instructs each camper on behavioral expectations  
12 in an emergency event; and

13                   (3) trains each camper on the appropriate actions and  
14 procedures to follow in an emergency event, in accordance with the  
15 camp's emergency plan required under this section and Section  
16 762.002.

17                   (1) At least once a year, a youth camp operator shall:

18                   (1) provide each camp staff member and volunteer with  
19 a copy of the camp's most recent emergency plan;

20                   (2) train each camp staff member and volunteer on the  
21 contents of the camp's emergency plan;

22                   (3) instruct each camp staff member and volunteer on  
23 the proper procedures to follow in an emergency event under the  
24 camp's emergency plan; and

25                   (4) maintain written records documenting each camp  
26 staff member's and volunteer's successful completion of the  
27 training required under this subsection.

1       (m) A youth camp operator shall:

2               (1) conspicuously post in each cabin the proper  
3 evacuation route described in the camp's emergency plan under this  
4 section and Section 762.002; and

5               (2) ensure each evacuation route on the camp premises,  
6 described in the emergency plan under this section and Section  
7 762.002, is illuminated at night.

8       (n) Notwithstanding Section 141.0025, the department shall  
9 not grant a waiver from a requirement prescribed under this section  
10 or Chapter 762.

11       (o) An emergency plan submitted to, received by, or accessed  
12 by the department, the Texas Division of Emergency Management, an  
13 emergency management director or coordinator designated under  
14 Section 418.1015, Government Code, or any other governmental entity  
15 under this section is confidential and not subject to disclosure  
16 under Chapter 552, Government Code.

17       Sec. 141.0092. REDUNDANT INTERNET CONNECTIONS REQUIRED.

18       (a) In this section, "broadband service" has the meaning assigned  
19 by Section 490I.0101, Government Code.

20       (b) A youth camp operator shall provide and maintain for a  
21 youth camp:

22               (1) Internet services through a broadband service that  
23 connects to the Internet using end-to-end fiber optic facilities;  
24 and

25               (2) a secondary Internet connection through a  
26 broadband service distinct from the service described under  
27 Subdivision (1).



SECTION 5. Section 141.008(a), Health and Safety Code, is amended to read as follows:

(a) The executive commissioner may adopt rules to implement this chapter. In adopting the rules the executive commissioner shall comply with Subchapter B, Chapter 2001, Government Code, including Sections 2001.032(b) and 2001.033, Government Code. [~~In developing the rules to be adopted by the executive commissioner, the department shall consult parents, youth camp operators, and appropriate public and private officials and organizations.~~]

SECTION 6. Subtitle A, Title 9, Health and Safety Code, is amended by adding Chapter 762 to read as follows:

CHAPTER 762. CAMPGROUND SAFETY

Sec. 762.001. DEFINITIONS. In this chapter:

(1) "Cabin" means a structure used to provide temporary sleeping quarters for transient overnight guests.

(2) "Campground" means, regardless of profit:

(A) a commercial property designed to provide cabins for transient overnight guest use; or

(B) a recreational vehicle park, as defined by Section 13.087, Water Code.

(3) "Campground operator" means a person who owns, operates, controls, or supervises a campground, regardless of profit.

(4) "Floodplain" means any area within a 100-year floodplain identified by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.). This term includes any area removed from the

100-year floodplain by a letter of map amendment, a letter of map revision based on fill, or a substantially similar administrative process conducted by the Federal Emergency Management Agency.

(5) "Governmental entity" means this state or a state agency or political subdivision of this state.

Sec. 762.002. FLOODPLAIN SAFETY REQUIREMENTS. (a) A campground operator shall:

(1) install and maintain in each campground cabin located within the floodplain an emergency ladder capable of providing access to the cabin's roof; and

(2) develop an emergency evacuation plan for:

(A) evacuating on issuance of a flash flood or flood warning campground occupants who are at a campground area within the floodplain;

(B) evacuating campground occupants on issuance of an evacuation order by the emergency management director or coordinator designated under Section 418.1015, Government Code, for the county or, if applicable, the municipality in which the campground is located, due to a wildfire, hurricane, or other disaster; and

(C) sheltering campground occupants in place on issuance of:

(i) a tornado warning; or

(ii) an order to shelter in place issued by the emergency management director or coordinator for the county or, if applicable, the municipality in which the campground is located.

(b) A campground operator shall:

1           (1) implement the emergency evacuation plan developed  
2 under Subsection (a)(2)(A) on issuance by the National Weather  
3 Service of a flash flood or flood warning for an area of the  
4 campground; and

5           (2) implement the emergency evacuation plan developed  
6 under Subsection (a)(2)(C) on issuance by the National Weather  
7 Service of a tornado warning for an area of the campground.

8           (c) A campground operator shall send a copy of an emergency  
9 evacuation plan developed under Subsection (a)(2) to:

10           (1) for a campground located in a municipality, the  
11 emergency management director or coordinator designated under  
12 Section [418.1015](#), Government Code, for the municipality; and

13           (2) the emergency management director or coordinator  
14 designated under Section [418.1015](#), Government Code, for the county.

15           (d) An emergency plan submitted to, received by, or accessed  
16 by an emergency management director or coordinator under Section  
17 [418.1015](#), Government Code, or any governmental entity under this  
18 section is confidential and not subject to disclosure under Chapter  
19 [552](#), Government Code.

20           Sec. 762.003. FIRE PROTECTION STANDARDS. (a) This section  
21 does not apply to a campground owned or controlled by a governmental  
22 entity.

23           (b) A campground must comply with the National Fire  
24 Protection Association 1194, Standard for Recreational Vehicle  
25 Parks and Campgrounds, 2021 Edition, other than Sections 1.1.1 and  
26 5.1.1.1.

27           (c) A governmental entity may adopt a policy, rule,

ordinance, or order to regulate environmental health and sanitation, electrical distribution system safety, liquefied petroleum gas storage and dispensing safety, or fire protection only if the policy, rule, ordinance, or order does not impose standards more stringent than the standards described under Subsection (b).

SECTION 7. Section 141.0035(b), Health and Safety Code, is repealed.

SECTION 8. Not later than January 1, 2026, the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 141.0091, Health and Safety Code, as added by this Act.

SECTION 9. Notwithstanding Section 141.0091, Health and Safety Code, as added by this Act, a youth camp operator is not required to submit an emergency plan to the Department of State Health Services until April 1, 2026.

SECTION 10. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.