

By: Perry, et al.
(Darby)

S.B. No. 1

Substitute the following for S.B. No. 1:

By: King

C.S.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 the camp; or

10 (C) completes any renovation to one or more
11 existing cabins located on the premises of the camp that:

12 (i) increases or decreases the number of
13 beds in an affected cabin; or

14 (ii) alters the method of ingress or egress
15 to an affected cabin.

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

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

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

26 (1) each cabin location within a floodplain is a
27 result of the cabin's proximity to a lake, pond, or other still body

1 of water that:

2 (A) is not connected to a stream, river, or other
3 watercourse; or

4 (B) is dammed; or

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

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

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

16 (b) The executive commissioner by rule shall require a youth
17 camp operator in the emergency plan the operator develops for a
18 youth camp to:

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

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

25 (A) a lost camper;

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

27 (C) a severe injury, severe illness, serious

accident, or death of one or more campers, visitors, camp staff, or camp volunteers that occurs:

(i) on camp premises; or

(ii) while under the supervision of camp staff;

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

(E) an epidemic;

(F) an unauthorized or unknown individual present on the camp's premises;

(G) a transportation emergency; and

(H) any other natural disaster or emergency event required under department rules;

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

(4) establish procedures to notify and communicate with:

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

(B) camp administrative and medical services staff; and

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

(5) designate a camp emergency preparedness coordinator.

1 (c) The executive commissioner by rule shall require a youth
2 camp operator to, at each youth camp the operator operates:

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

6 (2) install and maintain at the camp an emergency
7 warning system that:

8 (A) is capable of alerting all campers and camp
9 occupants of an emergency; and

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

12 (3) monitor safety alerts issued:

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

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

18 (4) certify the operator's compliance with this
19 subsection.

20 (d) In developing a youth camp's emergency plan, a youth
21 camp operator must annually submit the initial or updated plan to
22 the department for approval in the form and manner the department
23 prescribes.

24 (e) If the department determines a youth camp's submitted
25 emergency plan does not meet the minimum standards prescribed by
26 department rules, the youth camp operator shall revise and resubmit
27 the plan not later than the 45th day after the date the operator

1 receives notice from the department of the plan's deficiencies.

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

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

10 (1) for a camp 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 a youth camp's emergency plan, a youth
16 camp operator may consult with an emergency management director or
17 coordinator described by Subsection (g).

18 (i) The department shall store in a digital database each
19 emergency plan submitted to the department under this section or
20 Section 762.002 and provide access to that database to:

21 (1) the Texas Division of Emergency Management; and

22 (2) each member of the Youth Camp Safety
23 Multidisciplinary Team created under Section 141.0081.

24 (j) A youth camp operator shall:

25 (1) provide the most recent version of a youth camp's
26 emergency plan submitted under this section to the parent or legal
27 guardian of:

1 (A) a camper who is participating in a camp
2 session; or

3 (B) a prospective camper who is registered to
4 participate in a future camp session;

5 (2) notify the parent or legal guardian of a camper or
6 prospective camper described by Subdivision (1) if any area of the
7 camp is located within a floodplain; and

8 (3) ensure the parent or legal guardian signs and
9 submits to the operator a statement acknowledging receipt of the
10 notice required under Subdivision (2).

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

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

16 (2) instructs each camper on behavioral expectations
17 in an emergency event; and

18 (3) provides each camper developmentally appropriate
19 instruction on the appropriate actions and procedures to follow in
20 an emergency event, in accordance with the camp's emergency plan
21 required under this section and Section 762.002.

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

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

25 (2) ensure each staff member and volunteer
26 successfully completes training on the camp's emergency plan in
27 compliance with any minimum standards and required hours

established by department rule;

(3) instruct each staff member and volunteer on the proper procedures to follow in an emergency event under the plan; and

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

(m) A youth camp operator shall:

(1) conspicuously post in each cabin on the youth camp premises the proper evacuation route described in the youth camp's emergency plan; and

(2) ensure each evacuation route on the camp premises is illuminated at night.

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

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

Sec. 141.0092. REDUNDANT INTERNET CONNECTIONS REQUIRED.

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

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

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

4 (2) a secondary Internet connection through a
5 broadband service distinct from the service described under
6 Subdivision (1).

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

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

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

18 CHAPTER 762. CAMPGROUND SAFETY

19 Sec. 762.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

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

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

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

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

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

1 entity.

2 (b) A campground must comply with the National Fire
3 Protection Association 1194, Standard for Recreational Vehicle
4 Parks and Campgrounds, 2021 Edition, other than Sections 1.1.1 and
5 5.1.1.1.

6 (c) A governmental entity may adopt a policy, rule,
7 ordinance, or order to regulate environmental health and
8 sanitation, electrical distribution system safety, liquefied
9 petroleum gas storage and dispensing safety, or fire protection
10 only if the policy, rule, ordinance, or order does not impose
11 standards more stringent than the standards described under
12 Subsection (b).

13 SECTION 7. Section [141.0035](#)(b), Health and Safety Code, is
14 repealed.

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

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

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

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1 the legislative session.