

## SPORTS CAMPS

### House Bill 6203 (Substitute H-2) First Analysis (6-18-02)

**Sponsor: Rep. Bob Brown**  
**Committee: Family and Children**  
**Services**

#### ***THE APPARENT PROBLEM:***

The Child Welfare Licensing Division, Bureau of Regulatory Services, Department of Consumer and Industry Services, licenses children's camps pursuant to the child care licensing act (Public Act 116 of 1973), to ensure the health and safety of children. According to the DCIS, there are approximately 386 children's camps statewide. These camps include 33 day camps, 344 residential camps, 9 travel camps, and zero troop camps. In addition, there are four adult foster care camps that are also licensed and regulated by the DCIS. In recent years, there has been a marked increase in the availability of sports "camps" that are offered to children during the summer months. However, there has been some concern over whether these sports camps fit into the definition of a "children's camp" and are subject to the licensure and regulation requirement of the child care licensing act.

#### ***THE CONTENT OF THE BILL:***

Under the child care licensing act (Public Act 116 of 1973), "children's camps" include residential, day, troop, or travel camps in a natural environment for more than four school-age children, for five or more days within a 14-day period. The bill would add sports camps to the definition of children's camps, delete the phrase "in a natural environment", and lower the threshold from five or more days in a 14-day period, to three or more consecutive nights within a 14-day period.

MCL 722.111

#### ***BACKGROUND INFORMATION:***

Licensure Requirements. There are three types of licenses. The DCIS issues an original license for the first season of operation when a new camp demonstrates the ability to comply with the licensing requirements. After an on-site inspection during the first period of operation, the department issues a regular license if the camp substantially complies

with the licensing requirements. If a camp is temporarily unable to comply with the licensure requirements, the department issues a provisional license.

When issuing a license, the department addresses four areas. First, the department requires operator clearances, which involve a criminal history check through the Law Enforcement Information Network (LEIN) and a protective services check through the Family Independence Agency's central registry. Second, the department will assess the operation of the camp including staffing, health services, food service, camp activities, policies and procedures, and records and facilities. This is done through an annual on-site inspection. Third, the department performs a fire safety evaluation to ensure compliance with basic fire safety requirements. Finally, the department performs an environmental health evaluation, through the local health department, to assess water supply, food service, sewage disposal, sanitation, and site safety.

Camps. Under the administrative rules, the licensing requirements apply to a day camp that operates for 5 or more hours per day for 10 or more days in a 30-day period. In addition, the licensing requirements apply to a residential, troop, or travel camp that operates for five or more nights in any 14-day period. (R 400.11106)

Sports Camps. There has been some concern as to whether or not adding "sports" camps would include those camps offered by colleges and universities. It does not appear that the bill would affect those camps.

The acts states that 'a person, partnership, firm, corporation, association, or nongovernmental organization shall not establish or maintain a child care organization unless licensed or registered by the department'. It is believed that this would preclude a

public college or university from having to obtain a license and be subject to departmental regulations.

In addition, in 1978, the Department of Social Services requested an informal opinion from then-Attorney General Frank Kelley regarding whether or not these types of camps were subject to the regulations of the child care licensing act. In a letter dated August 21, 1978 the attorney general ruled that such programs were not subject to the regulations of the child care licensing act.

The attorney general ruled that a college or university does not, as its principal function, receive minor children for care or supervision. Thus, a college or university that conducts a program for school age children is not a 'child care organization' as defined under the act, and is not subject to the regulations of the act.

The attorney general also stated that the campus of a college or university is not a 'natural environment', as used in the definition of children's camps. As such, programs that are conducted on the campus of a college or university, regardless of whether or not the program is conducted by the college or university, are also not subject to the regulations of the act.

### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

### ***ARGUMENTS:***

#### ***For:***

The bill clarifies the definition of a "children's camp". As defined under the act, a children's camp must take place in a "natural environment". Though the act fails to define "natural environment", it is generally construed to mean the traditional outdoor setting that is commonly associated with summer camps. However, while many camps offer the traditional outdoors activities such as fishing, hiking, and canoeing, many camps are offering programs for specific sports. However, the inclusion of the phrase "natural environment" becomes problematic when attempting to license and regulate those sports camps. It appears that a golf course, a baseball diamond, or a soccer field could be considered to be a "natural environment". However, it does not appear that a hockey rink or a basketball court would be considered to be a natural environment. Striking the phrase "natural environment" and adding sports camps will ensure that such programs will indeed be licensed and regulated by the state. This ensures

parents that the health, safety, and well being of their children will be protected while under the care and supervision of the camp, regardless of the type of sporting activity taking place.

#### ***For:***

The bill would lower the threshold of the length of time that a children's camp could operate in order to be required to be licensed by the DCIS. Lowering the time to three overnight stays, rather than five days, will increase the number of camps that would have to be licensed. The licensing regulations are designed to ensure that the facility meets certain basic fire safety and environmental health requirements. Again, the bill assures parents that the health, safety, and well being of the children is being protected while under the care and supervision of the camp.

#### ***Against:***

Adding "sports" to the definition of "children's camps" is not necessary. Under the act, "children's camps" include day, residential, travel, and troop camps. However, day, residential, and travel are matters of time and location. The terms describe where a child stays, and the length of time he or she stays. The terms do not delineate between what activities are taking place at a particular camp. However, the bill would add sports camps – which describes an activity. The arts camp in Interlochen is licensed as a residential camp, yet the act does not specifically list "arts" or "music" in the definition of "children's camps". Similarly, a sports camp would already be covered depending on the location of the camp and the length of the program. Furthermore, the problem with the current definition of "children's camp" is due to the phrase "natural environment", and not because the act does not specifically include "sports" camps.

In addition, there has been some concern with the overall direction of the legislation. By specifically including "sports" camps, many have expressed concerns that this could potentially lead to the licensure and regulation of sports camps at colleges and universities. Indeed over 90 percent of sports camps are offered through colleges and universities. According to committee testimony, the DCIS is "asking" Michigan State University to go through the licensure process for a camp that it offers at the Kellogg Biological Station in Kalamazoo County. The university maintains that such a program should not be licensed based on the definition of a "child care organization" (of which, "children's camp" is a subset) and the list of those required by the act to

obtain a license in order to establish or maintain a child care organization (a person, partnership, corporation, or nongovernmental organization). It is believed that the tenor of the dialogue between the department and the university could pave the way for a requirement that sports camps at colleges and universities be licensed by the state. This could affect hundreds of programs and thousands of students participating in these sessions, and place a great burden on the Bureau of Regulatory Services, which is losing 40 percent of its staff due to the “early out” retirement program.

***Against:***

The bill defines a camp to mean one that includes three consecutive overnight stays within a 14-day period, rather than five days within a 14-day period. However, children’s camps also include “day” camps, which only meet for a few hours per day and do not include an overnight stay. The language is not consistent and could potentially exclude day camps from the licensure and regulation requirements.

***POSITIONS:***

The Department of Consumer and Industry Services opposes the bill. (6-18-02)

Analyst: M. Wolf

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.